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THE LOUISIANA HISTORICAL QUARTERLY

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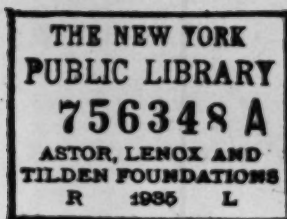


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THE LOUISIANA HISTORICAL QUARTERLY

Vol. 17, No. 1

January, 1934

GENERAL SOLOMON WEATHERSBEE DOWNS (1801-1854)

Democratic Leader of North Louisiana, 1840-1854.

By

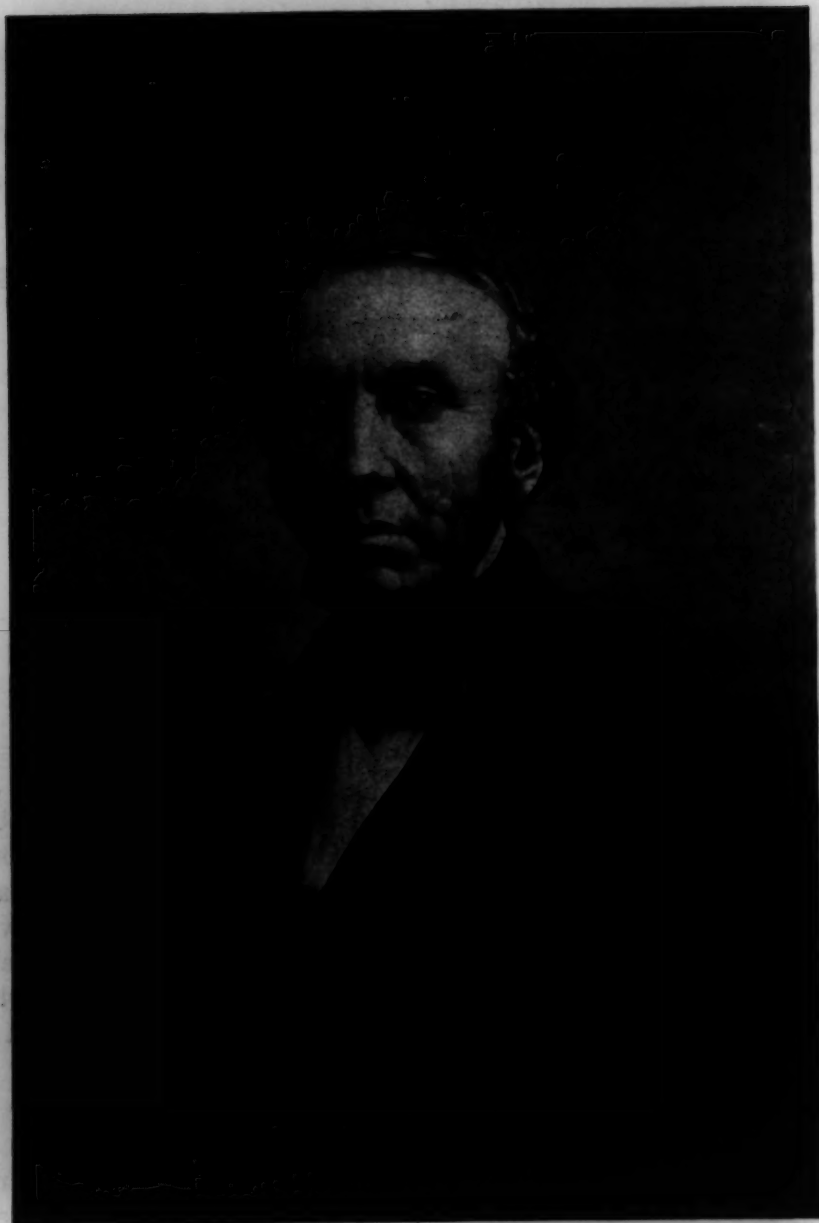
MRS. MINNIE MARKETTE RUFFIN,
*Principal, Central Grammar School,
Monroe, Louisiana*

Revised for publication by

MISS LILLA MCLURE,
*History Department, Byrd High School,
Shreveport, Louisiana*

TO the present generation the name Solomon Weathersbee Downs is practically unknown. Current histories of Louisiana, tracing briefly the high spots of events and characters have left him unmentioned. Biographers have passed him by. Even his grave is today unmarked and unidentified. Yet a close analysis of the political history of our State through the decades of the forties and early fifties of the nineteenth century shows him to have been a distinguished citizen of Louisiana, and a leader of democracy of well-known ability in the councils of the nation as well as of the State.

The active career of General Downs centers around Monroe at a time when the rich river valleys of North Louisiana were being rapidly transformed into cotton plantations by immigrants from the older southern seaboard States. To the people of this section of Louisiana his life holds special interest in that it reveals something of the economic condition and the political viewpoint of their ancestors at this important period of development. The



Yours Truly
W. H. Downer

newspaper files, the speeches of General Downs, and all the records of his activities indicate that he was the political spokesman for North Louisiana. It is evident that he possessed a colorful personality, was well-trained and thoroughly conversant with the needs of his section.

The early life of Downs is hidden in obscurity. Unfortunately there are few facts available to give to the student that orientation of character which is found in the study of one's childhood. It is known that his father, William Weathersbee, was a large land-holder and slave-owner of the Parish of Ouachita, yet his name is carried only in part by his son and General Downs was thirty-three years old when his father gave to him legal recognition as a son.¹ Further well-substantiated facts are that he was born in Montgomery County, Tennessee in 1801;² that he migrated with his parents to Louisiana,³ that his childhood was spent partially in Ouachita Parish. The latter fact is revealed in a circular letter addressed to the electors of the State senatorial district in 1840. It said, in part "I came among you in childhood—grew up with you—since that time my fortunes have been intimately connected with yours; for, though absent on professional pursuits for awhile, the home of my heart and affections was always Ouachita, and I have hastened back as soon as my circumstances would permit, disposing of everything that I possessed elsewhere to live and die in the same scenes where my boyhood was so happily spent."

However, if the records hold true, young Downs spent only a limited portion of his time in Ouachita, for his father sent him back to Tennessee to school. It is said that his attendance at Davidson Academy (Nashville) was during the superintendency of that eminent scholar and educator, the Rev. Thomas Craighead. The facts reveal that Craighead presided over the school only until 1809, so we must assume that Downs was there at the very tender age of eight years in order to have had any contact with this great man. How long he remained at the Academy is not known. There are no records of this school available to give this information.⁴

¹ Succession of William Weatherbee, original on file Probate Box 30, Clerk's office, Monroe.

² Biographical Dictionary of the American Congress, 1774-1927.

³ Jeffersonian Republican, New Orleans, May 10, 1845.

⁴ P. E. Cox, Keeper of Archives and Museum, Nashville, Tenn. (Davidson Academy evolved into Cumberland College, University of Nashville, and finally into Peabody College for Teachers.)

Pursuing an ambitious educational program, Solomon Weathersbee Downs graduated from Transylvania University at Lexington, Kentucky in 1823, receiving his A.B. degree with a class of thirty-two.⁵ Downs' only reference to his Alma Mater was: "I was educated at Lexington, Kentucky where Mr. Clay resides. He was one of the Trustees of the College and signed my Diploma."⁶

It was fortunate for Mr. Downs, that while at the Academy and the University many of his mates were individuals of eminent abilities, as time proved. Among his academical fellow students, were Richard Winn, a lawyer of distinction, and a Senator for the Parish of Rapides in the Louisiana legislature; William H. Wharton, the pioneer of the Texas Revolution who first represented the young republic as minister to the United States; the talented and intrepid brother of the latter, John A. Wharton; Frederick Guion, late of the United States army, one of the most gifted sons of the South; Judge John J. Guion, Vicksburg, Mississippi, and Judge Felix Bosworth of Louisiana, all of whom have made their respective marks on the history of the times in which they lived.⁷

"Such a number of young men, at one time, with such various talents, acting as conspicuously in their different spheres, starting from one small private school in an obscure village is an occurrence not often met with, yet the story of these gifted men has been full of vicissitude and sorrow. Of the seven five are no more.

"Winn died at the close of 1840, a victim of fatigué and exposure in the presidential campaign, and chagrin at the defeat of Mr. VanBuren. Frederick Guion fell in a duel at Natchez. One of the Wharton's lost his life in the accidental discharge of a pistol; the other died in the service of his country in the Mexican War; General Downs himself, was shot through the lungs by a musket ball in a duel. Yet there was not one among them not remarkable for suavity of disposition. The fate of these classmates illustrates the state of society and of the times in which General Downs persevered in his labors for reform until they were crowned with triumphant success.

⁵ Mrs. Chas. F. Norton, Librarian, Transylvania College from records A letter of May 26, 1930.

⁶ Speech of S. W. Downs on the annexation of Texas, June, 1844.

⁷ New Orleans, Jeffersonian Republic, loc. cit.

"At one time while General Downs was serving in the United States Senate, four of his college mates of Transylvania were fellow senators. They were Messrs. Atchison, Hannegan, Jefferson Davis, and Jones of Iowa. This I believe is the only instance on record, where such a number of the graduates of a collegiate institution studying together have served at one time for the Congress of the United States."⁸

Downs was admitted to the bar in 1826, and began the practice of law in the prosperous cotton district of Bayou Sara. On the death of his father in 1834, he moved to Ouachita Parish to take charge of the rich estate which had been left to him. The document of legitimacy, recognizing Downs as the son of William Weathersbee, and the probaton of his will wherein Downs became the sole heir to his estate are documents found today among the court records of Ouachita Parish. They are of sufficient interest to be copied and are given below.

"Before me, Lewis F. Lamy, Parish Judge and ex-officio Notary Public in and for the Parish of Ouachita, in the State of Louisiana, personally came and appeared William Weathersbee, a resident of the Parish of Ouachita, in the State of Louisiana, who declares and acknowledges that he owns and acknowledges and does by these presents own and acknowledge Solomon Weathersbee Downs, a resident of the Parish of West Feliciana, in the State of Louisiana, his son, child and heir, the said Weathersbee and declarant hereby declaring and acknowledging his intention of legitimating the said Solomon Weathersbee Downs, his son and child as aforesaid.

"In testimony whereof the said William Weathersbee has signed his name to these presents in the presence of George M. Madden and Robert Williams, witnesses of lawful age, and hereto required, who have also signed their names with the party, together with me, the said Judge, on this the tenth day of February, Anno Domino one thousand *eight hundred and thirty-four*. In full faith whereof I have signed my name and affixed my seal of office.

(Original signed.)

WILLIAM WEATHERSBEE.

ROBERT WILLIAMS.

GEORGE MADDEN.

LEWIS F. LAMY, Parish Judge.

⁸ United States Magazine and Democratic Review, June, 1849, Vol. XXIV, pp. 547-580. A possession of Mrs. S. A. Gunby, Monroe, La.

State of Louisiana,
Parish of Ouachita.

I, Lewis F. Lamy, Parish Judge in and for said Parish and State, do hereby certify the foregoing to be a true and correct copy of the original act on file and of record in my office.

In faith whereof I have hereunto signed my name and affixed my seal of office on this 13th day of May, A. D. 1836.

LEWIS F. LAMY, Parish Judge.⁹

The will of William Weathersbee, probated in 1834, with the exception of two small bequests, named Solomon Weathersbee Downs his sole heir.¹⁰ A part of this inheritance was described as "a certain tract of land lying on the East Bank of the Ouachita River about 2 miles below Monroe and being the John Pomet Confirmation B 454, containing 536.48 acres, 215 acres of which is cleared and valued at \$40.00 per acre, and 321.48 of wood land valued at \$3.00 per acre. With the land, 57 slaves were mentioned, amounting in the aggregate to the sum of \$37,914.44. This in the inventory, made after the death of Solomon Downs, was listed as separate property, not subject to community interest. This was a large fortune for Ouachita Parish, in 1834.

To come into possession of an acreage in the Ouachita River valley with fifty-seven slaves was a boon any man might crave in the 1840's. At that time the cotton-slavery system had its clutches well on the South, and North Louisiana was fast becoming the Mecca for land-hungry families. The *Harrisonburg Independent*, October 23, 1860, describes the migration of that year. It is likewise a picture of what had been happening in this section since 1835. It said: "Scores of Texas and North Louisiana bound immigrants now line our thoroughfares. A majority of those passing through this place, we observe, are of the wealthy class, who having to abandon the old and worn-out lands of Alabama, Georgia, and the Carolinas are seeking new homes in Texas and the northern portion of our State."¹¹

Not only North Louisiana, the whole Mississippi valley was being transformed. The foundation for fortunes was being laid in cheap western lands. The conquest of the forest, of the Indian,

⁹ Succession of Wm. Weathersbee, original on file Probate Box 30, Clerk's Office, Monroe. *Ibid.*, Probate Bk. E, p. 299, Monroe, La.

¹⁰ Succession of Solomon W. Downs, Probate Bk. E, p. 112, Clerk's Office, Monroe, La.

¹¹ The *Harrisonburg Independent*, copied by the *Daily Gazette and Comet*, Baton Rouge, Oct. 30, 1860.

of the soil, of river transportation, the building of homes, and the establishment of all of those institutions of civilization, occupied the citizenship with manifold activities. It was a virile, vigorous society, energetically seeking opportunity in a new region where acute problems of adjustment were constantly faced. Above all, it was a democratic society, for co-operation and popular control were basic and fundamental in all western, pioneer communities. Andrew Jackson was the popular hero, and Jacksonian Democracy the political ideal of the agricultural pioneer. Briefly, it meant to them manhood suffrage, all offices elective by the people—stress-ing judgeships—opposition to the national banking system and protective tariff. "Equal opportunity for all with special privileges for none," and "Rule for and by the people" were the party slogans. Downs found himself in a section and in a society which held to these ideals, and he spent a large part of his life in effecting their realization in the State of Louisiana. From the time of his coming to Ouachita Parish, around 1835, he was a political figure of note, serving in the State Legislature as senator from the Ouachita district, as a member of the State Constitutional Convention of 1845, as a delegate to the national Democratic convention of 1844, and as a presidential elector in the same year. He served his State in the United States senate from 1847 to 1853 and was appointed by President Pierce collector of the port of New Orleans, which position he held at the time of his death which occurred at Crab Orchard Springs, Lincoln Co., Kentucky, August 14, 1854.¹²

A short sketch from a New Orleans paper at the time of his death gives the following facts concerning him: "Solomon W. Downs emigrated from Tennessee to Louisiana when a young man and settled at Bayou Sara, where he began to practice law. After several years' legal practice he came into a legacy from his father and then moved to the new and rich parish of Ouachita. There he purchased a large cotton plantation, practiced law, and participated actively in public office. He was elected senator from this district as his first appearance in public office. He became the leader of the "Red River Democracy" which soon acquired great power in the politics of the State."¹³

A leader among Jacksonian Democrats, Downs found plenty to do in furthering the movement for democratic institutions in

¹² Biographical Dictionary of the American Congress.

¹³ Weekly Delta, August 27, 1854.

Louisiana. The State Constitution of 1812 provided for suffrage and office-holding based upon property ownership, which still remained in force. Also, the majority population, south of Alexandria, favored the policies of the Whig Party and worshipped at the shrine of Henry Clay. For many reasons this was true, chief of which were, New Orleans had become an important commercial center, thoroughly cosmopolitan, with interests no longer local, but national in extent; its merchant class favored the national bank; the sugar planter flourished under protective tariff. Furthermore, many of the citizens were conservative Creoles who feared any change which might tend to shift the power from the propertied class.

Before 1840 many States had approved of manhood suffrage and had eliminated the property qualification for office-holding. Such a movement could not forever be ignored in Louisiana. It had become too universally popular. The demand for constitutional reform was augmented by the Panic of 1837. All classes came to agree that some sort of constitutional guaranty should be established which would protect commercial credits in the future.¹⁴ Many Whigs as well as Democrats made the calling of a Constitutional Convention a campaign pledge in the election of 1840. General Downs was conspicuously active in behalf of the movement and campaigned ardently for the Democratic Presidential candidate, Martin Van Buren. It was one of the great exciting elections of our history. The country was undergoing a period of depression comparable to the present one and the Whigs found in the situation an opportunity to swing their party into power. They were successful in electing President William Henry Harrison. General Downs defeated his Whig opponent for the State senate, Dr. B. F. McGuire. Dr. McGuire kept an extensive diary and made some interesting comments of passing events. In May, 1837 he condemned the Democrats in the following manner:¹⁵

"Every specie of property has fallen. The bubble has burst and half the large merchants in the world have failed and the banks have refused to pay specie. cotton selling for 7 to 11 cents a pound. All kinds of credit destroyed throughout the country and farmers are without means to buy

¹⁴ Greer, James Kimmins, *Louisiana Politics, 1845-1861*, *La. Hist. Quarterly*, Vol. 12, No. 3.

¹⁵ *Diary*, kept by Dr. B. F. McGuire at Monroe, 1818-1852, now the property of Miss Maida McLendon.

food for their slaves and horses. All the consequences of fools and knaves in power who care not who suffer as long as their power is perpetuated."

He makes comment on the election of 1840:

"Cotton selling from 5 to 7 cents. Everything depressed. Fair prospects to change the administration and elect Harrison. Whigs and Democrats at Monroe June 1 to discuss politics. I made a speech of five hours. Downs followed. Did not answer but evaded and closed the day. Other speakers there next day but few people. On the first there was the largest crowd I ever saw in our town and most appeared anxious to hear. Many were so changed as to admit that they will try a change and they think all is not right and if Harrison does no better they say try some other man. So say I."

According to Mr. Downs' account of the occasion, he replied to Dr. McGuire's speech, closing only when his audience reached the point of exhaustion at the end of the day. He defended the Democratic administration, traced the history of the banking system, quoting largely from Thomas Jefferson. He defended the sub-treasury system, and in conclusion said:

"Fellow citizens, Mr. Clay has recently, in a public speech as is said, indorsed General Harrison's orthodoxy and capacity. This is enough for us, and should be enough for all Democratic Republicans. The American System, a National Bank, internal improvements, distribution by gift of the proceeds of the public lands, and of the surplus revenue among the States, have been, and still are the paramount principles of Mr. Clay's national policy. General Harrison and Mr. Clay were both warm supporters of the younger Adam's administration, which maintained these principles. For these principles that administration was overthrown. Are they to be reinstated in the election of General Harrison? If they are, the principles of Jefferson, Madison, Monroe and Jackson are overthrown, and the government rapidly verging to consolidation, to ruin, and to despotism."

The election returns in Louisiana gave the amazing figure of 11,297 to Harrison, to Van Buren 1,617! An unprecedented vote. Only half as many were cast in the election of 1836. Yet, the forces of Democracy were gathering strength through the leadership of Downs, Soule, Slidell, and Joseph Walker and they

were soon in a position to dictate the policies of the State and local government. The Legislature, on assembling in January, 1841, was found to have a majority favorable to calling a Constitutional Convention. General Downs was chairman of the committee of the Senate charged with the consideration of the bill and made an elaborate report in its favor. The bill passed the Senate by the constitutional vote, that is a majority of all the members *elected* to the body. The House, instead of immediately acting on it, took up a similar bill introduced by a member, which seriously endangered the consummation of the project. Under the existing constitution, to authorize the submission of the question of a convention to the people, the bill for that purpose was required to be enacted by both houses within the first twenty days of the session. Commencing with a motion for a postponement (equivalent to a motion for rejection), the Whigs in the house fought the bill at every step, by proposing odious amendments, and other tricks of legislative diplomacy which so often enable a minority to defeat the purposes of a majority. The bill was finally passed in a shape to give the convention *carte blanche* to enact any and all needful constitutional reforms, without regard to its specifications; but at so late a period, that a legislative *coup de main* was necessary to secure its re-enactment by the Senate within the constitutional term of twenty days. To this end Downs secured the suspension of a rule standing in the way of its consideration, over the decision of the chair against his motion. It was passed within the constitutional hour, and returned again to the House, the Whig members of which body deserted their seats to break up the quorum usually required when bills were thus returned. This ruse however proved of no avail; for as the friends of the bill soon made apparent, it had been enacted according to the forms required by the constitution (which did not demand its endorsement within the twenty days). After a short struggle upon this unimportant technicality, the Whigs abandoned the contest before the legislature, and prepared to meet the friends of the reform before the people—the question being: shall this convention be called or not? At the same session of the legislature, through the exertion of Downs and his fellow members, a resolution for the extension of the suffrage to every free male white citizen of the United States above the age of twenty-one years was passed in the Senate. It was tabled in the House, its friends as before, being Democrats, and its opponents all Whigs.

In the gubernatorial election of 1842, the issue was reform and the calling of the constitutional convention. The Democrats assembled in convention at New Orleans, January 8, 1842, there, nominating Alexander Mouton as their candidate for governor. The resolutions and address, making the proposed reforms their issue, were both from the pen of General Downs. There was also incorporated in the address war on the banking system of the State, which Downs and other individual Democrats had carried on since 1837. The Whigs injected "nativism" into the campaign, demanding new naturalization laws and insisting upon four or five years of residence as a qualification for the legislature. This issue reveals the fact that Louisiana, as well as the eastern seaboard States had its immigration problems. In 1845 the official report of the Secretary of State to the President ranked Louisiana next to New York in the number of immigrants received.¹⁶ These immigrants became Democrats and were endangering the supremacy of the conservative Whig Party. It is said that one of the most striking scenes of the constitutional convention was the attack upon the patriotism of the foreign born citizens of Louisiana, and the fiery defense by Downs, the Creoles, Marigny, Soule and others.

The Native American movement was destined to grow amazingly in the State, but it may safely be said that the first local question of moment to confront the parties was that of constitutional reform. To this time the governor was chosen primarily with reference to merit or fitness, and, since the Constitution of 1812 favored the property class, always a Whig governor had been chosen. The election of 1842 was a Democratic triumph. They chose the governor, carried a majority in the legislature, and received from the people an indorsement of constitutional reform.

Alexander Mouton was the first Democratic governor of Louisiana. He was an able man, an experienced politician, having served in the United States Senate, and as Speaker in the General Assembly. Later he was to preside over the Secession Convention of 1861. Following his inauguration on January 30, 1843, an election was ordered for the choosing of delegates to the Constitutional Convention to be held in July. The Whigs hoped to decide the character of the convention by carrying the city ticket of New Orleans, thus placing themselves in position

¹⁶ Overdyke, W. Darrell, *History of the American Party in Louisiana*, La. Hist. Quart., Vol. 15, No. 4.

to check what they deemed the radical encroachments upon the government from the country parishes. They were successful in choosing Charles M. Conrad and Judah P. Benjamin by something over a three hundred majority, and felt that the "baseless projects of radicalism" would be checked. In grave apprehension, *The Bee* of November 20th prophesied:¹⁷

"The dominant party in the convention are lofocoes. They are in favor of certain measures and a course of general policy, to which the conservative portion of our population are justly hostile. Flushed with their recent triumphs . . . the majority of the convention will be eager to fasten upon the new Constitution too many offshoots of wild, agrarian and radical theories. They need a check, . . ."

The Constitutional Convention was called to meet at Jackson, August 5, 1844. Having assembled there, the delegates voted the accommodations insufficient and adjourned to reassemble on January 14, in the ball room of the St. Louis Hotel, New Orleans. Both parties had sent their first men, it embraced, indeed, almost every man of talent and influence in the State. Among the more prominent ones were,— S. W. Downs, Pierre Soulé, John R. Grymes, Christian Roselius, Ex-Governor Roman, W. C. C. Claiborne, Duncan F. Kenner, Felix Garcia, T. H. Lewis, Isaac T. Preston, Bernard Marigny, George Eustis, Joseph Walker and Horatio Davis. Joseph Walker was selected permanent chairman, and Horatio Davis secretary of the Convention.

Among the important reforms effected by this convention were:

1. Removal of the property qualification for suffrage. Under the Constitution of 1812 the qualification rested on the payment of a state tax six months prior to the election.
2. It removed property qualifications for holding office. Heretofore it was required that a candidate for governor should own \$5,000 in property on the tax list; a senator \$1,000, and a representative \$500 in landed property.
3. The manner of choosing the governor was changed, the majority vote of qualified electors determining his choice. Under the old plan he was elected by the legislature from the two candidates receiving the highest number of votes in the election by the people.

¹⁷ Greer, James Kimmins, *Louisiana Politics, 1845-1861*, La. Hist. Quart., Vol. 12, No. 2.

4. The terms of judgeships were limited, that of the Supreme Court to eight years and the district courts to six years. They were still appointive until the Constitution of 1852 provided for their election by the people.

5. The office of lieutenant-governor was created.

6. The Legislature was prohibited from pledging the State faith in aid of any private persons, corporations or bodies politic, except so far as issuing bonds against outstanding liabilities.

7. The granting of divorces was left with the courts and no longer with the Legislature. A stringent clause was inserted against dueling.

8. The Legislature was to establish free public schools throughout the State, and provide means for their support. A State superintendent of education was to be appointed for the term of two years, and a seminary of learning was to be established.

One of the controversial questions which proved difficult was that of the apportionment of representation. General Downs was chairman of the committee. The proposal which was offered provided that each parish should have at least one representative and, "if entitled to any more, in proportion to the population of each, ascertained and calculated according to the principle of representation adopted in the Constitution of the United States." This was the familiar ratio which included three-fifths of the slaves. Christian Roselius, of New Orleans, attacked the section vigorously and advocated a basis of representation fixed on taxable property or on free white male population. He pointed out that the Downs's plan would give the control of the House to the northern and western parts of the State where the population was thin, rather than to the southern section which paid one-third of the taxes and had a white population equal to one-third that of the whole State. It was a fight between the city and country for legislative control. Marigny, one of the New Orleans delegates, in a speech, suggested refusal to pay taxes or even separation from the rest of the State if the proposal should be adopted. It was decided to take as the basis of representation the qualified voters, and to allow one member for every 276 voters.¹⁸

¹⁸ *Ibid.*

The Journal and Debates of the Constitutional Convention of 1845 is a book not often consulted, but it might well be studied by the historian of the law of Louisiana for the remarkable array of political intelligence displayed by its members. The reforms noted in the paragraph above were not obtained without a fierce struggle before the people, and in the Convention. The oratory in the latter for and against the same is good reading and good literature even in this day. The names of some of the associates and opponents of Downs in this Convention are still remembered while Downs has been forgotten. As to him, the historians seem to have engaged in a conspiracy of silence, yet, a review of the Journal and Debates shows that he was continuously active and took part in all important matters. Some of his addresses before that body should have been noticed in this paper but it was thought his Speech on the Texas Question was entitled to the space because it incorporated much historical information about Louisiana that is not preserved elsewhere or is not presented from the contemporary point of view of Louisiana. It is indisputable, however, that he developed a leadership in the Convention that enabled him to carry most of the reforms upon which his heart was set, reforms which became embedded in the Constitution of 1845 and were novel then, but have since become commonplace in the constitutional law of Louisiana.*

In addition to political and civic reforms which were incorporated in the new constitution, State aid to banking was finally vetoed. As with every other State in the Union, finance and banking had been questions of paramount importance since Jackson's veto of the National Bank Bill in 1832. Louisiana undertook a policy of State aid to private banks which proved to be a very costly experiment. In 1837 and again in 1840 the banks suspended payment in specie. In 1842 the Legislature created a *Board of Currency* whose duties were to examine and report for publication the real situation of banks, and to enforce charters and by-laws.¹⁹

At the opening of his term in 1843, Governor Mouton found the State indebted to the banks to the amount of \$1,200,000; that it owed for salaries and interest, \$200,000; that the State had

* Journal of the Proceedings of the Convention of the State of Louisiana begun and held in the City of New Orleans on the 14th day of January, 1845. Published by Authority. Mesancon, Ferguson & Company, printers to the Convention, 1845.

¹⁹ Gayarre, Charles, *History of Louisiana*, Vol. 4. Mr. Gayarre was a member of this Board (according to Mr. H. P. Dart.)

exceeded its income for years by \$200,000, and that the treasury was exhausted, the State's credit impaired, and the people heavily taxed. Moreover, the State had sold its bonds to the extent of \$1,273,000, on which the interest had not been paid. The State had learned that partnership with banks was an unwise policy. The Legislature of 1844 severed the relationship and the Constitution of 1845 prohibited all such aid.²⁰

General Downs was closely allied with all the work in connection with the adjustment of the banking problem, both in the legislature and the constitutional convention. As chairman of the Senate Finance Committee he directed the reform in behalf of his party. The energy with which he worked may be fairly indicated from the following clipping:²¹

"The Senate's Finance Committee have taken upon themselves the functions of inquisitors. They are not satisfied with encroaching upon the Executive they must invade the Judiciary. Their chairman, Mr. Downs, pronounces upon violations of law and denounces the penalties against offenders, with as much nonchalance as if it were judge, jury, and sheriff. He seems ambitious of prying into every man's business, and enlightening the public upon everybody's indebtedness to the bank.

"Major Downs is a native of the country, now about forty years of age, and in the prime vigor of his physical and intellectual powers; he has been six years a member of the Senate, and in that time has gained the reputation and the character of a leader of his party; his politics are democratic, and these principles blend with nearly all of his legislative efforts. In debate he is free, open, manly and candid. He enters with so much spirit and earnestness into his subject, as to inspire confidence in his sincerity. Indeed it will require time for the observer to discover the discipline with which he has prepared himself for success, so candid and fair does he seem in discussion; yet it is probable that no member of the Senate drills his intellectual forces with more rigor for success at all hazards. When the contest becomes difficult and doubtful he becomes aroused, and is somewhat thrown off his guard, and the weak points of his defence, if there be any, are developed; his strong prejudices are his greatest failing. Few have ever heard him yield a point; for he can defend, with considerable array of truth, and a tremendous cannonade of blank cartridge after his effec-

²⁰ Greer, James Kimmins, op. cit.

²¹ *The New Orleans Federal Bee*, (1843.)

tive ammunition is exhausted . . . He will command all his forces to charge with the same desperation, upon a wandering Whig militia-man, as upon the solid column of truth and justice, making good way to the citadel of Democracy; he is a valiant soldier in the ranks of his party, and never loses an opportunity to fight. The course taken by Major Downs in reference to the banks and bank laws, have rendered him very unpopular in the city, with what degree of justice remains to be seen; for no one now seems able to guess what will be the ultimate effect of this strange and complicated fabric of legislative manufacture. (Referring to the bank law urged by Downs.)"

Honors were crowded upon Downs in the years 1844-45. In 1844 he was made Brigadier-general of Louisiana, an office of responsibility and labor under the old Constitution of Louisiana; in the spring of the same year he was chosen as a delegate for the State at large, to the Democratic Convention at Baltimore, instructed to vote for the nomination of Mr. Van Buren. At the same time he was nominated a candidate for presidential elector by the Democratic State Convention. In 1845, while engaged in the discharge of his duties as a member of the State Constitutional Convention, he was honored with the unsolicited appointment of United States District Attorney for the District of Louisiana. On this appointment the following editorial appeared:²²

"The appointment of this gentleman to be United States District Attorney for Louisiana has already been announced, and his consequent retirement from political life after so many years of public service, calls for some notice from the democratic press. For twenty years he has been a member of the bar of Louisiana, and always in active and extensive practice, and proverbial for his business habits, energy of character, and vehement eloquence. He has one quality in high degree which we think cannot fail to be of service to the government, and may perhaps save thousands of dollars for the public. We allude to the energy with which he pushes through, in the shortest possible period, any business in his charge. He has in the last twelve months performed more public functions perhaps, than any other man in the United States. During this period he has been a Brigadier-general, a member of the State Senate, a candidate for elector of President and Vice-president, to which he was chosen after canvassing the State, delivering many able arguments, and writing

²² *The Jeffersonian Republican*, May 10, 1845.

many effective articles; lastly a delegate to the convention, now sitting, to amend the constitution, where he has distinguished himself by his bold and powerful advocacy of reform, and popular rights. Yet in all these complicated duties he has never desired a moments delay but has always been found at his seat."

As a delegate to the national Democratic Convention (1844) General Downs had his first experience in national politics. Henceforth he is a national figure. As we have seen above, he was chosen by his party, pledged to the nomination of Martin Van Buren. On the promulgation of the anti-Texas letter of Van Buren, the State committee promptly rescinded the instructions. On May 10, 1844, a meeting was called in New Orleans "favorable to the re-annexation of Texas, and the nomination of John Calhoun to the Presidency." General Downs was unable to attend this meeting, but was in thorough accord with the movement. In reply to the letter requesting his presence he said:

"I think this question vital to the South. I am for the re-annexation of Texas, and for uncompromising hostility to all who oppose it. I know of no man better entitled to lead in such a cause than John C. Calhoun."²³

With the same ardor with which he had championed constitutional reform, Downs plunged into the political issue of 1844—the annexation of Texas. As a candidate for presidential elector, he delivered a speech at Farmerville, Union Parish, on June 19, which was an elaborate, carefully prepared, and powerful argument in favor of the annexation. This was at once printed in large numbers by the Democracy, and sent in every direction over the Southwest, furnishing speakers and writers with far the most extensive collection of "proof from the record," brought to bear on this issue. (This speech may be found in the appendix.)

As already noted, General Downs received an unsolicited appointment from President Polk of District Attorney for the District of Louisiana in 1845. It was at this time that he took residence in New Orleans where he lived until his appointment to the United States Senate in 1847. The *Jeffersonian Republican* made the following comment on this appointment: "Here in

²³ Letter of Downs to Messrs. C. Woodruff, T. J. Vason, John Winthrop, W. A. Elmore, T. N. Wadsworth, Samuel Locke, C. H. Beverly.

the second commercial city in the Union he can render many services to the people and the State. Land claims involving millions of acres of the finest land of Louisiana, and which, if confirmed, will enable a few men to hold principalities, are referred to the United States Court here for adjudication and it will be the duty of General Downs to defeat them if possible and thus throw open for sale and entry this immense territory."²⁴ However, his activities in this position were brief. The opening of the thirty-first Congress in December, 1847, found Downs in the Senate, representing his State on those very vital questions involving slavery, the Mexican War, the Wilmot Proviso, etc.

As a cotton planter, largely interested in slave property, and a Senator from a State more largely interested in it, in proportion to her population than any other State, he strongly, and with great ability and success, opposed the Wilmot Proviso, the abolition of slavery in the District of Columbia, and the slave trade between the States—the assaults which the South had chiefly to contend against. He was one of the Committee of thirteen to whom Clay's Omnibus Bill was referred, and gave his support to the Compromise of 1850 because it had none of the measures injurious to the South mentioned above, and benefitted it by the fugitive slave law and the Texas Compromise. He insisted, also, that it was in accord with the old democratic doctrines of Jefferson, Jackson and Polk.²⁵

As chairman of the Senate committee on private land claims, he rendered peculiar and important service to citizens of Louisiana. He originated in the Senate and got through Congress acts for the adjustment of land claims and extending pre-emption rights in Louisiana of great importance. He concurred with and assisted Mr. Harmonson in getting through his Swamp Land Bill of 1849, and another still more complete and general in its nature in 1850. He introduced bills for land grants to our principal railroads, for Ft. Jesup Military Reserve, and for the Pineville Academy.

He introduced and got through Congress an act dividing the State into two Federal judicial districts which had the desired effect of preventing citizens of the State from being sued in the Federal courts at enormous additional expense. During this time mail facilities and routes were much improved, especially in the

²⁴ New Orleans Directory (1856.)

²⁵ United States Magazine and Democratic Review, *op. cit.*

northern part of the State. Appropriations were made for Red River, Port Pontchartrain, for deepening the mouths of the Mississippi and a survey of its delta.

Remarks concerning the removal of the Manchac obstructions in the navigation of the pass are interesting because of the comment on the problem of controlling the Mississippi:

This resolution relates to a very serious matter. It relates to the stopping up of a stream many years ago, by an officer of the United States Army, General Jackson, which has remained blocked up for some thirty years. Whatever interests may have existed at the time, such important interests have grown up in consequence of this public work, thus recognized by the national government and by the State government for so long a time, that I think it a very serious question whether without the consent of the parties whose interests are situated on this stream, this government should now take steps that would injure and in part destroy the rights which have grown up there.

I know it is a difficult question. There is a difference of opinion even in the quarter of the country where the obstruction exists. It has been frequently agitated in our own legislature and there has been great difference of opinion as to whether this outlet should be opened and whether the effect of the opening of it will not be the most effective method of preventing the overflows of the Mississippi. But whatever plan is to be adopted, it should be adopted with great caution, because no one can tell what will be the result. It was said some years ago by one of our most distinguished engineers, that the Mississippi and its outlets and inlets baffled all the skill and all the science of engineering; that it was a stream so unusual that science could not be applied to it.²⁸

One of the most notable speeches delivered by General Downs in the Senate was on the "The Ten Regiment" bill. It was regarded by Congress, without distinction of party, as perhaps, the most conclusive defence of the war policy and measures of the administration to which the memorable debate gave rise. This paper—for it was an elaborate state paper, embraced the result of long labor, close investigation, and profound thought on the matter being considered. Since it is the tendency of the modern historian to more completely exonerate President Polk in his con-

²⁸ General Downs' speech in the Senate, Feb. 27, 1850.

nection with the Mexican War, Downs' defense gives an interesting viewpoint which is worth repeating. (It may be found in the Appendix.)

Near the close of Senator Downs' term (1852) a vacancy occurred on the bench of the Supreme Court of the United States. President Fillmore nominated Edward A. Bradford of New Orleans, but the Senate failed to confirm him. The President was then urged to appoint Senator Downs who had received strong endorsement but though the President turned again to the bar of New Orleans, he selected Wm. C. Macon, the law partner of Judah P. Benjamin, who also failed of confirmation and the office lay unfilled until March 21, 1853, when President Pierce named John A. Campbell who was confirmed immediately. (Charles Warren, *The Supreme Court in United States History*, II, 516-519.)

In the election of United States Senator of Louisiana in 1852, General Downs was proposed in the caucus by Gen. Williamson, a prominent States' Rights Democrat, and unanimously nominated, and received the vote of every Democrat in the legislature, and three Whigs, but he was not a candidate for the office.

He accepted, however, with hesitation the collectorship at New Orleans, tendered by President Pierce. This office he continued to hold until the time of his death, which occurred in the fall of 1854. He died as he had lived, in harness for the best interests of his country. No better eulogy can be given to an eminent man and a public-spirited fellow-citizen than that contained in the opening paragraph of the message of Governor Hebert, to the legislature in January, 1855:

Since my last annual message to you, the State has been called to deplore the loss of two of her most eminent citizens. The Hon. S. W. Downs, (the other man was Lieut. Gov. Farmer) at the time of his decease, was filling a high administrative trust under the Federal Government. He has been nearly twenty years in the service of the State or the United States, in various capacities. He has devoted his talents and his energies to the public interests during the palmiest days of his life, and had reaped the rewards of his zeal and sacrifices in the confidence and affection of his fellow-citizens. His ardent temperament and indomitable perseverance, had endeared him in a more especial manner to the people of the northern part of the State, whose characteristics he often represented, and whose interests he always defended with spirit

and ability. Although he was still in the midday vigor of his life when he was summoned from the field of his labors, the account of his usefulness was such as to leave his friends and the State no other cause of regret than that he was not permitted to enjoy his recompense during the full term ordinarily allotted to human life.²⁷

PERSONAL CHARACTERISTICS

A friendly critic and a warm admirer of General Downs says: "The contemplation of his countenance will strike all true-hearted republicans that he is indeed a reformer on principle; a man of deep thought; of far seeing sagacity; of unyielding views of the fitness of things; of ardent devotion to what he regards as the cause of right; of courage to defend that cause against any and all odds; and of industry, knowing no point at which to flag short of the attainment of his object. Such, emphatically, has he proved himself to be in the crucible of perhaps the fiercest and longest struggle for reform which has distinguished the political progress of any State in the Union. Defeat only increased his effort and zeal. With voice and pen he held tenaciously to his aim. His unceasing efforts triumphed in the end.

"While engaged in any of his political battles, he never ceased for an instant in labors or quivered under the severe personal controversies in which they involved him. Danger to himself or severe exertions of his physical and mental powers did not deter him or turn him aside from his goal.

"The character of his mind, his abilities and attainments, his courage and perseverance operated greatly in elevating General Downs to leadership in Democracy. He was indeed the life and soul of democratic reform in the State. While in Congress he came to be regarded as one of the main Senatorial bulwarks, in contests over principles or measures in which Jeffersonian Democracy was involved.

"In his political life, General Downs was faithful to the interests of his constituents in the Senate and rendered peculiar and important services to Louisiana and to her citizens in every quarter, but especially those in the North and West."²⁸

An antagonistic Whig opinion gives this expression of him: "Nature blessed him with a strong mind, a strong body, decision

²⁷ New Orleans Directory, 1856, *op. cit.*

²⁸ United States Magazine and Democratic Review, *op. cit.*

of character, even to stubbornness. His stature is tall, but inelegant; his complexion is dark; hair black; eyes blue; and taken all-in-all he is a very hard favored man.

"In debate he is free, open, manly, and candid. His spirit and earnestness inspire confidence in his sincerity.

"He exercises the strictest discipline in preparing himself and drills his intellectual forces with greatest rigor for success at all hazards. His strong prejudices are his greatest failings. Few have ever heard him yield a point. He can defend with considerable array of truth, and a tremendous cannonade of blank cartridges, after his effective ammunition is exhausted, any position which he assumes. He considers the principles of his political creed a sacred depository which he is bound to guard. He is a valiant soldier in the ranks of his party and never loses the opportunity to fight."

In his own community General Downs was esteemed as a hospitable and intellectual man. Records indicate that he occupied an important and commanding position. He was one of the incorporators of the Ouachita Female Academy in 1837. Other names connected with his in this event were: Henry Bry, John A. Morgan, Henry C. Bartlett, John Hamblin, James S. Lewis, Samuel Handy, William Trent, E. K. Wilson, Daniel A. Breard, O. J. Morgan, Hardy Holmes, John Williams, R. F. McGuire.

His plantation interests were extensive. In the settlement of his estate after his death in 1854 it was shown that the crop for that year sold for \$10,766.45; for 1855, \$13,120.64.

From the diary of Dr. McGuire, it would appear that General Downs was owner of a steamboat that plied up and down the Ouachita River. As a planter with many slaves and extensive holdings, one pictures him as a type of the ideal, humane master of contented and willing servants rather than slaves. His will bears out this impression quite conclusively. He granted to "little Nell and Richard" (his valet) their freedom and five hundred dollars each, with permission to reside on the plantation as long as they lived with such land as they needed to cultivate and with the privilege of keeping horses, cattle or other stock.

His faithful body-servant, Richard Barrington, deserves especial notice in any account of General Downs. No better illustration of loyalty can be found of slave to master. He went everywhere with his master and attended to almost everything, from

his barbering to selecting menus when the General wished to entertain Daniel Webster (his bitterest foe in debate), Horace Greeley, Thad Stevens, Sam Houston and others during the Congressional sessions in Washington. Mr. Dan A. Breard of Monroe tells these facts concerning Richard and of the stone which he erected at his master's grave. He says: "In the early seventies, old Richard Barrington, the faithful bodyguard and general factotum, came up to me and said, 'Come with me, I want to show you what I have done for my old master'. He then led me to the grave and showed me the stone which he had erected with words on it to the effect that it was erected in loving memory to Solomon Weathersbee Downs, by his old faithful servant, Richard Barrington. For many years—until his death—old Richard was a barber in Monroe and loved to recount the old days in Washington and elsewhere with his master. Many a rare tale he told which should have been written down."

Mr. Breard says further: "Mostly what I recall of Gen. Downs is what my father told me. He knew him well as a successful planter, a lover of home-life and a diplomatic speaker—one who could oppose a man and yet be his friend."

Some of the reminiscent accounts say that Downs had two children, while another gives four. They died young and General Downs adopted his niece's oldest son, Solomon Wentzell, with the understanding that he take the name Soloman Wentzell Downs. He was the largest beneficiary in the estate according to the will of his adopted father.

It is noted that Mrs. Downs never went to Washington with her husband, nor is she mentioned in his will. A glimpse at the home life is given by Mrs. Annie LeBaum of Monroe who gives the following interesting facts: "General Downs had been dead about ten or fourteen years when I came to Monroe, but as I married a man whose first wife was a niece of General Downs, my family used to tell me many things about the family, and I recall many things I saw—the house furniture, etc., his son by adoption, his sister. We lived just across the river from the old Downs' home and I clearly remember how the old house looked. It was built substantially, with double walls with brick between, the rooms being quite twenty-four feet square. There was a magnificent hall, opening into the dining room and library with folding doors. There was wonderful antique furniture, a beautiful inlaid

table. The library was full of books, paintings, statuary, and handsome furniture. I saw the silver mounted harness for the carriage horses he gave Mrs. Downs. He gave her everything he could think of. I remember seeing the tomb many a time that Richard erected to his master in the 70's. Then I saw it broken in two. But it is gone now. The Downses had a summer seat where his mother lived and I recall how he always brought her a ten dollar gold piece every time he came, so my husband told me."

Death came to General Downs on August 13, 1854 at Crab Orchard Springs, Kentucky. His will was filed for probate September 25, 1854, as follows:

State of Louisiana,
Parish of Ouachita.

I make this my last will and Testament, being wholly written, signed and dated by me in my own hand writing, this 8th day of November, 1849.

I give and bequeath to my mother, Rebecca Downs, the negro woman and her child, Clay, now at the Pine Hill Place and one thousand dollars annually during her natural life.

I give and bequeath to my sister, Cassandra Smith, the Pine Hill residence where she now lives, and one thousand dollars, and a negro man and woman to be selected by her at her option, and I give to each of her children, Francis N. Smith, A. Jackson Smith, and Josephine Smith, and William Smith one thousand dollars to be paid to them or mother of such as may be under age at the time of opening this will.

I give and bequeath to my neice, Mrs. Rebecca Wintzell, wife of John Wintzell, four hundred acres of land to be taken from the upper part of the Home Place so as to include the improvements where she now lives and to her little daughter, Jane, one thousand dollars; and I give all the residue of my estate of every kind not herein disposed of to her son, Solomon Downs Wintzell. It is my wish that he shall assume the name Downs.

I give and bequeath to my faithful servants, little Nell and Richard their freedom and five hundred dollars each and permission to reside in their present or other houses on the plantation and to have as much land to cultivate during their lives as they may need with permission to keep horses, cattle or other stock.

It is my will that the Home Plantation and negroes be kept together and unsold and if the other plantations and negroes are not sufficient to pay my debts, and the

special legacies, that the legacies be paid off gradually out of the proceeds of the crops, in the order in which they stand in this will.

I appoint Alexander Lazare, C. H. Morrison, and John C. C. Sharp, Executors of this my last Will and Testament.

In proof of all which I sign this my last olographic Will and Testament, revoking all others this date above written.

S. W. DOWNS.

This addition or codicil is now made to this my last will, I give to the other children of my sister, Mrs. Smith, vis: David Claiborne Smith, Emiline Smith, wife of David Wintzell, Elizabeth Smith, wife of Mr. Martin, one thousand dollars each. I revoke the donation of four hundred acres of land to Rebecca as she has ceased to reside on it. I give freedom also to Leticia, wife of Richard, and all her children.

Ouachita, January 7th, 1854.

S. W. DOWNS.²⁹

No mention of his wife being made in the will, a Petition for Partition was entered:

Petition for Partition of Community:

The Petition of Charles H. Morrison, sole Executor of the Estate and last Will and Testament of the Deceased, Solomon Weathersbee Downs, respectfully represents unto your Honorable Court that he has much more property in his possession than sufficient to pay any debts that exist against Estate so far as he is informed or believes. He also represents that the Deceased holds a large amount of property in community with Mrs. Anna M. Downs, which on final settlement of said estate will have to be partitioned. He further shows that unless something that cannot be now seen by Petitioner happens, he will be prepared by the next Spring to make his final account as Executor and hand over the property to the legatee. He further shows that in view of further partition and settlement of said Estate, he now proposes to make or cause to be made a provisional or conditional partition of the land held in community between the Deceased and his surviving widow, Mrs. Ann N. Downs: that the land may be set apart to each in time so they will not be injured or prevented from making the next crop. He also avers that in his opinion it is for the interest of all parties concerned that this could be done. Therefore he prays that you decree that a provisional partition of the community tract of land

²⁹ Succession of Solomon W. Downs, Probate Book K, p. 112, Clerk's office, Monroe, La.

on which the plantation is situated, into as nearly equal portions as may be, giving to each tract a fair proportion of front and back lands. Also that the said Surveyor be required to estimate the amount of cleared land on each lot, and that he shall designate the quantity of the back lands as nearly as can be, in order that a fair and just estimate of each lot be made after it is thus surveyed. He also prays that the matter be referred to B. D. Shepard, Recorder and Ex-officio Notary Public, to make said partition according to law, after having had an appraisement made subsequent to the survey and that he make due returns of his work. He also prays for all other and further orders and decrees that the case may require and for general relief.

He further represents that the Minor, Solomon Downs Wintzell, is by the will the Universal Legatee of the Deceased, who is represented by his Father, John Wintzell as Natural Tutor, who he prays may be made a party to these proceedings, also that Mrs. A. Downs be made a party.

C. H. MORRISON,

*In Pro Personam*³⁰

Of the adopted son of General S. W. Downs, Solomon Wintzell Downs, Judge Charles Schulze, of Monroe says: "Very distinctly do I remember the adopted son of General S. W. Downs. He was a classmate of mine. He was contented with 'well enough', giving no concern to the morrow. This kind of disposition is what kept him from having improved what his uncle-father left him. He finally ran through with, or used up his inheritance."

Of the widow, Mrs. Thomas Flournoy gives the following: "Many of us recall seeing the widow of General Downs, who after a good many years of widowhood, married a man from Kentucky named Taylor. It seems that Mr. Taylor did not understand farming as well as the negro slave, Pallas, the overseer beloved and trusted by General Downs. Pallas hated Mr. Taylor and could not bear to take orders to do the things which he knew would not produce a good crop. All of this together aroused the hatred of Pallas to the extent that he shot Mr. Taylor one day. Poor Pallas was hanged for this act.

"Mrs. Taylor lived on the home place which diminished until she had only ten acres of land in the corner of what is now the Training school. She was a pitiful sight, being driven, totally

³⁰ Succession of Solomon Weathersbee Downs, *Ibid.*

blind, in a shabby little four-wheeled, rickety vehicle drawn by a rawbony mule. A great contrast this made to her former state in one of the handsomest and latest words in carriages, in point of fittings (lamps and such like), silver trimmed harness, behind two of the most beautiful horses on the plantation or in this section, during her first husband's days. Her faithful servants, unpaid, kept her from knowing how poorly off she was. They sold pecans, vegetables, chickens, etc., to provide for her needs, and when she died it was two of these faithful negroes that helped the sexton dig her grave beside her first husband.

"I can remember the old home house which stood until recent years—a large-roomed, two-story residence surrounded by handsome trees, and the opulence of the plantation home of those days in Louisiana. I have seen old Richard Barrington, the negro valet who, after his master had been dead nearly a quarter century, erected a stone at his grave which was located in the burial place near the house. Richard was with his master at Crab Orchard, Ky., when he died."

APPENDIX A

Speech of General Downs on the Texas Question. Delivered at Farmerville, Union Parish, June 19, 1844.

UNITED on this subject, the wishes of the South must and will prevail; but if we are divided we may fall. These Whigs who unite with us on these occasions, and I can rejoice that I can inform you that many have already done so, need not give up their opinion on other subjects.

However desirable to us, we do not ask a general or perpetual alliance with them, but only that they unite with us on this great question. Let us unite and carry this great point, and then, if they choose, let us again separate and go to war again, if it must be so. I rejoice then to see around me here, not a meeting of the Democratic Party, but one composed of men of all parties; and though I may find it necessary, in the course of my remarks, to give Mr. Clay some hard knocks, I hope my friends will not find fault with me for that, if I use like weapons against Mr. Van Buren. Indeed they ought not to think that we are asking too much in requesting them to abandon their favorite, since we have already abandoned ours, to whom we were as much attached as they can be, and who, it is no disparagement to say, had as good a chance of success.

Will our good friends, then, abandon their favorite, as we have done, and unite with us on this occasion? That is now the most interesting question, and to that I shall first direct my principal arguments.

I do not ask them to unite with us in the support of our nominations, though it would certainly be very agreeable to us if they would do so, and it may follow as a consequence, that it must do so *if it turns out that there is no man in their ranks sufficiently prominent to be brought out as a candidate for the presidency who is in favor of annexation*. Is this a fact? Is there no Whig in favor of annexation that could be nominated in place of Mr. Clay? I confess that I have not in my mind at this time anyone, is there any such a one? If so will some Whig tell us who it is? I fear he cannot be found. Mr. Webster and Mr. Adams of course could not be thought of, as they have declared against us. In search for such a man, I should have looked for some distinguished Whig in the South, if I could not find him in the North, and in the search I should have looked first in the Senate of the United States, but there I could not find them, for Berrian, Mangum, Archer, and Rives (even from the good old Dominion) and every Whig speaker except one, have voted against the treaty, and therefore have adopted and sanctioned the letter of Mr. Clay. Did he require of them with his usual imperative air, to commit themselves as deeply as himself, in this treason against the South, in order that if he fell in consequence of it, they might also fall with him, and as a guarantee that none of them should get the start of him in the race of ambition. Is not this fact, then, worthy of the serious consideration of the South?

Here is a great Southern question, one in which, in all our differences about such matters, we have all to be united. Heretofore, neither Whig nor Democrat could for a moment admit that their favorite men were behind their opponents in advocating and sustaining the domestic institution of the South; yet, now on this great question of Southern rights, in substance the same as the Missouri question,— the attempt to use the post-office for abolition purposes,— the attempt to use the right of petition, the abolition of slavery in the District of Columbia, and identified in principle with the admission of new slave States into the Union, we wake up one morning, find Mr. Clay's letter against annexation and when we have rubbed our eyes and read it again, to be sure we understand it rightly, and when we begin to look around to see what prominent Whigs we can find to put up in his place behold we find that every Whig champion of the South, at the waving of the magic wand of Mr. Clay, has vanished or sunk into the earth, like the Ghost in Hamlet, and not one of them to be found! Pause I beg of you. Pause long, my Whig friends, before you do battle longer in the ranks of a party in which not one white plume of the badge of Southern rights, waves above your heads.

But is this, you may ask, the great Southern question you say it is? Show us how, it is. Show us the evil consequences of not obtaining Texas. Show us what we are to gain or lose by it. Unfortunately, this task is too easily done, for the dangers are so numerous and obvious that the one who runs may read, and they are so near us that we can not close our eyes to them.

In the first place, then, the annexation of Texas is uniting with us a contiguous Southern territory, bordering on Louisiana and Arkansas, separated by no natural boundary or impediment to inter-communication, a large portion of it not even by a small stream, and penetrated to a great extent by two of the most important and long rivers of the valley of the Mississippi, Red River, and Arkansas, approaching within a hundred miles of the junction of the Red River with the Mississippi, only a few hours' voyage above New Orleans, and running for two hundred miles nearly parallel with Red River, at an average distance of fifty miles and sometimes within twenty, throughout the cotton region of that river, and embracing many settlements both of Louisiana and Arkansas, that were in organized parishes and counties in those States before the boundary was recently run, settled within the last few years almost exclusively by emigrants of the Southern States, having already a considerable slave population, and capable of producing, by the introduction by the United States of additional slaves, the great southern productions of sugar and cotton, and promising in a few years, if the American Government should be extended over it, to be one of the most prosperous, commercial and happy associations of freemen on the face of the globe. Is it desirable to acquire this territory? He in the South, who had asked such a question before Mr. Clay's letter was published, would justly have been considered deranged.

It was surrendered in 1819 with great reluctance and, as is supposed, to obtain a more pressing object at that time, Florida. Texas was then of comparatively little importance, because few Americans had settled in it. At the first opportunity afterwards, in 1825, Mr. J. Q. Adams as President, who had yielded it up as negotiator when Secretary of State, and Mr. Clay, his Secretary of State, who had denounced and disapproved of the treaty of 1819 by which it was given up, opened negotiations with Mexico, to repurchase, and four millions of dollars more offered for it than Mr. Clay had offered for less territory. The legislators of Tennessee, Alabama, Mississippi, the Senate of Louisiana, and the unanimous voice of the people of the South and the West, and many in other States, on all occasions announced the opinions that it must, ought, and would be acquired. However Whigs or Democrats might find fault with Mr. Tyler on other grounds, all concurred in the opinion that if he could acquire Texas, it would be a valuable and praiseworthy act. Whigs and Democrats vied with each other who should run fastest in this popular course; and even after the treaty was made and announced and Mr. Clay's letter actually

written and published in Washington, but not known in New Orleans, one of the largest meetings ever held in that place, composed of both Whigs and Democrats, expressed the most decided approbation, not only of the act, but declaring the necessity of it at that particular time. The newspapers termed it THE MONSTER TEXAS MEETING and it was called to express sentiment in regard to the REANNEXATION OF TEXAS. The meeting was called to order by the Hon. Clark Woodruff, Hon. Charles Derbigny, a distinguished Whig speaker of the House of Representatives, and former President of the Senate, was chosen president. About half of the officers and committees appointed were Whigs. Alex C. Bullitt, editor of the *Bee*, the outstanding Federalist publication of New Orleans, addressed the meeting. He took a review of all the bearings of the question of re-annexation. His arguments were unanswerable in its advocacy of the immediate necessity of the measures. Mr. B. Marigny followed in an excellent speech in French. As he was the representative of the French population, their concurrence may be deemed unanimous. Other speakers of equal standing spoke on the subject. The last speaker, Col. Christy came forward after repeated calls. He informed the meeting that he was the first man in the United States who presided over a meeting held to assist Texas in her hour of necessity and disaster. He clearly concurred in the sentiments that had been so forcibly delivered. * * *

The following resolution was the outgrowth of this meeting:

Resolved, That we consider the proposed annexation of Texas to the territory of the United States, as a great *American* measure, to bend which to party or local uses or prejudices, is unworthy of a patriotic people.

The remainder of the report reviewed the question and the meeting was brought to a close in a speech by Alexander Walker, who paid a high and deserved tribute to the Executive of our glorious republic for the firmness which he had displayed in bringing to maturity, amidst the conflict of various parties, this all eventful question. * * *

Mr. Downs quoted Jackson's letter as follows:

Hermitage, March 11, 1844.

The present golden moment to obtain Texas must not be lost, or Texas must, from necessity, be thrown into the arms of England, and be forever lost to the United States. Need I call your attention to the situation of the United States—England in the possession of Texas, or in strict alliance, offensive and defensive, and contending for California? How easy would it be for Great Britain to interpose a force sufficient to prevent emigration to California from the United States and supply her garrison from Texas. Every real American, when they view this, with the danger to New Orleans from British arms in Texas, must unite heart

and hand in the annexation of Texas to the United States. It will be a strong iron hoop around our Union, and a bulwark against invasion and aggression. I say again, let not this opportunity slip to regain Texas, or it may elude our grasp forever, or cost us oceans of blood and millions of money, to free us from the evils that may be brought upon us. I hope and trust that there will be as many patriots in the Senate as will ratify the treaty which, I have no doubt, will be promptly entered into. I again say to you, that this moment must not be lost, or real necessity may compel Texas to look elsewhere for protection and safety.

ANDREW JACKSON.

Mr. Downs recounts the history of the accession of West Florida as an example of statesmanship and annexation:

And here let me say that Mr. Clay and some others of our public men are now becoming more cautious and fearful of offending other nations than Mr. Jefferson and Mr. Madison were. There was an article in the treaty by which the country (Louisiana), could not be ceded by France to any other nation; and though this must have been known to our negotiators, Messrs. Monroe and Livingston, and to our President Mr. Jefferson, and our Secretary of State Mr. Madison, yet it did not prevent our annexing the country to the United States, nor did it bring on war with Spain. And this is not the only incident in which the acquisition of Louisiana is a precedent worthy of notice in this case. There was a dispute about the boundary, and in consequence of this, that part of the State of Louisiana, called Florida, including at present the parishes of East and West Feliciana, East Baton Rouge, St. Helena, St. Tamany, Livingston, and Washington, remained in the hands of the Spanish Government until 1810, and after being first revolutionized by its inhabitants, was then taken possession of under a proclamation of Mr. Madison, pursuant to an act of Congress not only against the wishes (of Spain) but by force of arms and in spite of Spain; and yet this caused no war. The Presidential Proclamation will show how such questions were disposed of in those days:—

Now be it known, that I, James Madison, President of the United States of America, in pursuance of these weighty and urgent considerations, have deemed it right and requisite, that possession should be taken of the said territory in the name and behalf of the United States. William C. C. Claiborne, Governor of the Orleans territory, of which the said territory is taken as part, will accordingly proceed to execute the same, and to exercise over the said territory the authorities and functions legally appertaining to his office; and the good people inheriting the same are invited and enjoined to pay due regard to him in that character—to be obedient to conduct themselves as peaceable citizens, under full assurance that they will be protected in the

enjoyment of their liberty, property and religion. In testimony whereof, I have caused the seal of the United States to be hereunto affixed, and sign the same with my hand. Done at the city of Washington, the 27th day of October, A. D. 1810, and in the 35th year of the Independence of the United States. By the President:

JAMES MADISON

A precedent for the annexation of Texas will be found on page 409, vol. 4 of the laws of the United States. It is entitled "A bill to enlarge the limits of Louisiana . . ."

The policy and purpose of our government, in adding foreign territory with its government and people to our own, was declared and settled by it. The history of the events preceding that law, and of the law itself, places the claims of Texas in the strongest and most favorable view; and, indeed, as a precedent, should be held as conclusive authority on the subject.

Its history is substantially as follows: Louisiana, as all know, was purchased and delivered in 1803. In the many changes and transfers to which that territory was subjected, it was considered by some that we had some shade of claim to the Floridas; but from 1803 to 1810, from the bayou Manchac, an outlet of the Mississippi River, and the true boundary of the island of New Orleans, the Spanish flag floated in undisputed command up to Ft. Adams, and thence east to the Atlantic Ocean, including East and West Florida. In 1810, the celebrated "Kempers" conquered Baton Rouge, and held possession of it for several days. They were forced, by superior numbers, to retreat into the territory of Mississippi, and large rewards were offered for them, dead or alive, by the Spanish Government. An organized band from the Spanish side, entered the American lines, taking the Kempers prisoners, and were conveying them to Cuba, when by the agency of Dr. Towles, they were liberated by the Americans at the Point Coupeé Fort, opposite Bayou Sara. A scene of revenge that followed on the part of the Kempers, which abundantly shows that truth is stranger than fiction, and which under the plastic hand of the future analyst, may yet serve to point a moral and adorn a tale. We mention these facts to show the character of the Government. It was Spanish Government. Its citizens were Spanish subjects; its law were Spanish, administered by Spanish officers and over all floated the Spanish flag, as the ensign of its protection, and the badge of Spanish power. Owing to numberless abuses, under color of law, the inhabitants of the then Spanish territory, now that portion of Louisiana known as the Florida parishes, rebelled against the Spanish authorities: and, after several successive victories, killed among others, the son of Governor Grand Pre, as brave and gallant a soldier as ever lived. A republican form of government was then established and main-

tained for some time. Then a proposition was made by this young republic to unite themselves to the United States. And, in 1812, under the administration of the cautious and philosophic Madison, this territory, thus revolutionized and erected into an independent republic, was annexed to the State of Louisiana.

Mr. Clay's attitude on West Florida: a speech delivered in the House of Representatives, Dec. 10, 1810:—

Shall we sit passive spectators, and witness the interesting transactions of that country—transactions which tend, in the most imminent degree, to jeopardize our rights, without attempting to interfere? Are you prepared to see a foreign power seize that which belongs to us? I have heard in the most creditable manner, that about the period when the President took his measures in relation to that country, agents of a foreign power were interfering with the people there, to induce them to come under its dominion; but, whether this be the fact or not, it cannot be doubted that, if you neglect the present auspicious moment—, if you neglect the proffered boon, some other nation, profiting by your error, will seize the occasion to get a fatal footing in your Southern frontier. I have no hesitation in saying that *if a parent country will not or cannot maintain its authority in a colony adjacent to us, and there exists in it a state of misrule or disorder, menacing our peace, and, moreover such a colony, by passing into the hands of any other power, would become dangerous to the integrity of the Union, and manifestly tend to the subversion of our laws, we have a right, upon the eternal principle of self-preservation, to lay hold upon it.* The principle alone independent of any title, would warrant our occupation of West Florida. But it is not necessary to resort to it, our title, being in my judgment incontestibly good. We are told of the vengeance of a resuscitated Spain. If Spain, under any modification of her government, choose to make war upon us, for the act under consideration, the nation, I have no doubt, will be willing to embark in such a contest. But the gentleman reminds us that Great Britain, the ally of Spain, may be obliged, by her connection with that country, to take part with her against us, and to consider this measure of the President as justifying an appeal to arms. Sir, is the time never to arrive when we may manage our own affairs without the fear of insulting his Britannic Majesty? Is the rod of British power to be forever suspended over our heads? Does Congress put on an embargo to shelter our rightful commerce against the piratical depredations committed upon it on the ocean—we are immediately warned of the indignation of offended England.

Mr. Clay under the influence of Ex-President John Quincy Adams on the Texas Question; taken from *The Intelligencer*, whose editor was an Englishman, (date not given) commenting

on the celebrated manifesto of John Quincy Adams and twenty other abolition members of Congress:—

The purpose of the appeal to dissuade the people from favoring the annexation of Texas to the United States, has our entire approbation—not, however, upon the mere ground of slavery or anti-slavery, but on the broad national principle of holding to the integrity of the Union in its present limits, without addition and without diminution.

This extraordinary document is conceived by no ordinary man and intended for no ordinary purpose. Mr. Adams, the author, is no ordinary man; and distinguished by his talents, by his learning and eloquence, by his long public services, he is still distinguished by his obstinacy, his disposition to do mischief to all parties and to all persons, but particularly, his disposition to do mischief to the South and Southern people, he has been a traitor and a renegade to every party and to every principle; born and educated a Federalist, the son of John Adams, he purchased a place in the Democratic party, by a false and treacherous denunciation of the party of his father and associates where he lived, and who made him what he was. Raised to the office of President, not by the people, but against their wishes, by a combination with his most bitter opponent, and hurled from that high station by the indignation of his country at the first opportunity, he seems to have determined to ruin a people whom he could not rule. Instead of retiring from the Presidency as his father did, and as expected of all whoever once fill that high station, to the quiet dignity and repose of private life, or devoting the evening of his life to literary pursuits, so congenial to his early life, he came into Congress raised the standard of abolition, and has done more in a few years to endanger the Union, and to destroy the institution of the South than any other man in our history.

The Globe (Date not given) states the Texas question as a party issue:—

The proposition submitted by Mr. Benton for the admission of Texas as a State into the Union, was lost today in the Senate by a strict party vote. The unanimity on both sides—the Federalists (Whigs) to a man opposing a congressional annexation, the Democrats to a man sustaining it—makes it manifest that this question of extending the dominion, the power, the prosperity of Republican government, is, as of yore, a most distinct and exact defining line of the two great parties in the country. The principle and motive which operates in producing this result, whenever a question of extending the boundaries arises, have shown themselves on every occasion when an issue has been presented in Congress involving the enlargement of our limits. Immediately after the Revolution, the Federal Party opposes, as far as they dare do it, all the measures quieting the Indian troubles beyond the Alleghanies, to prevent the settlement of the new States of the West.

Federalism opposed the acquisition of Louisiana; Federalism opposed the policy of General Jackson in removing the Indians, and acquiring title to their lands, to open the way to the introduction of new States into the Union; Federalism has opposed the application of the territories for admission into the Union, and a *Federalism* now opposes the re-annexation of Texas.

The principle on which this party always proceeds, is repugnance to bettering the condition of the people. Farmers settled on their own freeholds constitute the great power which arrests the strides of aristocracy, and defeats all those schemes which tend invariably to their subjugation by the herding of the people in masses in manufacturing towns and villages, and on lands held of superiors as tenants. The spread of the Republic is the spread of the democracy, and blasts the hopes of those who would make stock jobbers, manufacturing companies, incorporations wielding monied influence, the animating principle of government, instead of the free suffrages of our independent people.

General Downs continues:

I propose now, fellow citizens, to examine some of Clay's reasons against the annexation of Texas. He said, "I had seen no evidence of the desire being entertained, on the part of any considerable portion of the American people, that Texas should become an integral part of the United States." Mr. Clay had spent the winter in New Orleans, had made slowly, a great political progress through the Southern States, meeting with large bodies of his fellow citizens, receiving frequent communication from them verbally and in writing, until he arrived at the capital of North Carolina, where his letter was written—and yet he saw no evidence of any desire for annexation. He certainly must be a worse judge of public opinion than either his friends or his opponents gave him credit for, especially when he says himself, the treaty of annexation was a subject of conversation while he was in New Orleans, and other parts of the South. If all that he heard and saw produced no more impression on his mind as to their opinions and wishes, it is feared that nothing which has occurred since, or may occur hereafter—not even the monster meeting in New Orleans of the 24th of April, headed by two of his greatest supporters in Louisiana, Mr. Derbigny and Mr. Bullitt, and others, made an impression on his mind; then it is evident that he is blind and deaf to the wishes and interests of the South, and that we must look for friends and champions to sustain our rights elsewhere. None are so blind as those who will not see; this is the true secret of this unexpected course—he had decided, as a calculation for the chances of the Presidency, that it was politic not to listen to the South, and he could hear nothing. It is said, however, that after he arrived at Washington City, and saw the excitement on the subject, that he discovered when it was too late, that he had made a wrong cal-

ulation, and complained of some of his friends for having led him into the error. Had the arch-traitor and mischief-maker of all work, J. Q. Adams, any hand in this?—and is he and Mr. Webster now laughing in their sleeves, at the dexterous manner in which they have killed off their pretended friend?—secretly determined, probably, that he shall never be President, because they can never hope to be?

His next objection is, "That holders of Texas lands, and Texas scrip, and speculators in them were actively engaged in promoting the object of annexation." It is a novel idea to object to a national measure that speculation may be in some measure connected with it. Men of enterprise, and Americans especially, speculate in everything; there was as much speculation in continental scrip and funds in our own Revolution and after it, as there was in Texas; and was that ever urged as a reason why France should not aid us, or why Lafayette, DeKalb, Stueben, Lee and other foreigners should not devote their lives, their fortunes, and their fame to our glorious cause; are those to be censured and condemned by Mr. Clay who loaned money to Texas to enable her to fight for independence, or who fought and bled in her cause for the land they hold? If Mr. Clay thinks so, it is evident that even his own State does not and will not think so, for no State in the Union sent out in the cause of Texas more of her chivalrous young sons than did Kentucky.

He states his objection to it collectively in one sentence, thus: "If without loss of national character, without the hazard of foreign war, without any danger to the integrity of the Union, and without giving any unreasonable price for Texas, the question of annexation was presented, it would appear in quite a different light from that in which I apprehend it is now to be regarded."

Which being interpreted into plain English, means, 1st, That to annex Texas, would be degrading to the national character; 2nd, Would subject us to being brow-beaten and chastised by British Red-coats and Mexican half-savages; 3rd, Would be without the general concurrence of the Abolitionists of the North; 4th, Would endanger a dissolution of the Union, as threatened by Mr. Adams and his associates; and 5th, That we ought not to have it, because it would cost something; and then if all these insurmountable difficulties did not stand in the way, he does not say that he would go for it, but merely that it might appear in a different light, which is a sort of Delphic response that means any thing or nothing, but may be as well understood to mean, as anything else, that even in that event, he would go against it on other grounds.

Mr. Clay has repeatedly, in his speeches as President of the Colonization Society, declared his opinion against slavery. It may not be out of place here to remark that Mr. Clay's course on the slave question does not seem to have differed from his course on

some other great national questions. He seems to consider it not so much with a view to *the advantage or disadvantage of his country, but as a source of political capital, in which he may invest and speculate in a way best calculated to favor his aspirations for the Presidency.*

He has, perhaps, calculated in this case as he did before in the case of the Western settlers, that he was secure of his position with them, let him do what he would; and if the public opinion of the South were to be judged by the vote of the twelve Southern Whig Senators against the treaty it would seem that he was not far wrong. But the events of the next six months will convince both him and them that they have reckoned in this case without their host, and, that there are "other things in heaven and earth than are dreamt of in their philosophy."

The idea of Mr. Clay and of Mr. Van Buren too, for his letter on the subject is similar to Mr. Clay's, was that we ought not to acquire Texas because the country belongs to Mexico; if this be the case, what is to prevent her at any moment, from transferring it to Englnd, or any other power? But they both say that we would not submit to this—but how could we prevent it, or object to it if it belongs to Mexico! She certainly has a right to do what she pleases with her own, and we have no right to complain. Suppose Mr. Clay is elected President of the United States, and the next day, the next month, or the next year we should wake up some morning and find the west bank of the Sabine guarded by British Red-coats, black or white as the case might be, and when in our astonishment we should ask them what in the devil brought them there, they should produce to us a transfer from Mexico, with Mr. Clay's late letter endorsed on the back of it, could he, as President, or we, the people, who will then have elected him, knowing that such was his opinion, have any right to complain of either England or Mexico?

We have paid millions for additional territory, and have been ready on more than one occasion, to go to war with the most formidable nations for a few acres, more or less on the boundary. One of the greatest speeches Mr. Clay ever made was against the the policy of giving away, by treaty, the very territory which we are now so anxious to get back, and which Mr. Clay once himself tried to recover; yet now all at once, for no other possible reason, that I can conceive of, but that it would gratify the prejudices and secure the support of a few Northern fanatics, he comes out for the first time and announces the principle that we ought to acquire no more territories. What is to be done with Oregon, and all our other unsettled territories? Is it to be given up? Certainly, the same principle that would induce us to refuse Texas ought to induce us to give them all up to the British, or whoever else will take them, for they are all more remote, less fertile, less advantageously situated for commerce and agricul-

ture, and all the other elements that make a country desirable, and capable of sustaining and making happy a large, civilized, prosperous and free people than Texas is.

But at last he lays aside all disguise, comes directly to the point, that the South desires annexation for the balance of political power, and declares against us most emphatically on that ground, which it is believed has never been objected to before by any but the Abolitionists. He says:—"It is useless to disguise that there are those who espouse and those who oppose the annexation of Texas upon the ground of the influence which it would exert in the balance of political power, between the two great sections of the Union. *I conceive that no motive for the acquisition of foreign territory would be more unfortunate or pregnant with more fatal consequences.*"

The most singular idea, however, of Mr. Clay's whole letter, so full of novel ideas, is that in which he suggests the Canadian republic on one side, and Texas on the other, and the United States the friend of both, that they would be allies ready to repel foreign attacks, and that each would afford "*a secure refuge to the persecuted and oppressed driven into exile by either of the others.*" In the first place, I did not know that we were in the habit of persecuting, oppressing, and exiling our citizens, or that Mr. Clay's ideas of his new republic would make them such. But if separate republics would enable us to better defend ourselves against foreign attacks, and each could advance its own happiness separately the best, as he suggests, where was the necessity of our union? I had always understood that it was "to establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and to our posterity," and because we could not do this so well as our "natural allies," or by "co-operation" that it was adopted, and has ever since been deemed so necessary. But now, according to Mr. Clay's idea, the more separate republics that we can separate into, the better, and that *separation* and not *union* should be our national sentiment in future, I cannot, fellow-citizens, concur in such sentiments, and I do not believe that you can or will, or that you will support for the Presidency any man who does.

The question now, fellow-citizens, is left in your hands, in the full confidence that you will give your fullest and most careful consideration to it. If you should at last come to conclusions on it different from my own, which I do not anticipate, you will do me the justice to believe that in the course I have pursued on this subject, I, at least had the merit of good intentions.

Resolutions adopted at the Texas Meeting of Ouachita Parish, June 22, 1844.

Whereas the permanency of our Republican government depends on the patriotism, virtue, and intelligence of the people, the expressions of whose opinions in primary meetings are subjects of great national importance—is the Ægian shield of our national liberties: And whereas the avowed policy of Great Britain is directly opposed to the institution of slavery, and in favor of total abolition throughout the world; and that she is exerting every influence which her great and powerful national character can bring to bear on this question, aided and sustained as she is in her efforts by the blind fanaticism of the Abolitionists of the North:

And whereas the republic of Texas, embracing a territory purchased by the United States, in 1803, from France, and ceded to Spain in 1819, having since declared her independence of Mexico, and successfully maintained the same, with the recognition of its independence by all the great nations of the earth—comprising a territory of fertile lands and great agricultural advantages, bordering on our Western frontier, peopled with former citizens of the United States, entertaining the same principles, speaking the same language, engaged in the same pursuits, and in every respect identified with us,—has proposed to become annexed to the United States, with apprehensions of falling into the hands and power of Great Britain.

Resolved, That we disown and disavow, with indignation and surprise the letter of our Senator, Alexander Barrow, and will vote for no man as member of the Legislature, who will not pledge himself to vote for a resolution of censure, and request to resign, against him and all other of our members of Congress opposed to the immediate annexation of Texas—and that a committee of three be appointed to ascertain and publish, before the election, the opinions of our candidates for Congress.

Resolved, That we fully approve of the fearless, independent, and patriotic stand taken by our Senator, General S. W. Downs, in his report and resolutions in the Senate in 1843, in favor of the annexation of Texas to the United States, and adopt as our motto the concluding sentiment of his able letter of the 9th of May last,—*"For immediate annexation, and uncompromising hostility to all who oppose it."*

W. P. THEOBOLDS

JOHN M. FENNER, Pres.

PHILIP PEAYLE, Vice-pres.

H. G. MERCER

W. H. COATS, Secretary

APPENDIX B.

Speech of Hon.-S. W. Downs, of Louisiana, on "The War With Mexico," delivered in the Senate of the United States, Jan., 1848.

With the position assumed by the Senators on the other side, that the President of the United States was the cause of the war; that he brought it on by ordering the removal of the troops to the Rio Grande, I disagree totally. If this war was brought on by any cause within the control of the Government, it was produced by other hands than those of the President of the United States.

And I think an examination of the facts connected with the history of the matter will convince every impartial mind of its truth. Whether annexation was a declaration of war or not, Mexico considered it so, and made war accordingly; and the President had no option—he did not make it.

If there was any cause which brought on the crisis at this particular time, it was first, the blockade of the mouth of the Rio Grande, which in the language of Gen. Taylor, must necessarily compel the Mexicans either to retreat or to cross the river and fight him; and, secondly, the failure of that general to call for volunteers, as he was authorized to do, after he arrived on the Rio Grande, and was informed of the hostile intentions of the Mexicans. It can hardly be supposed if two or three thousand troops had been with General Taylor that the Mexicans would have crossed the river. * * *

Whatever difference of opinion may exist on the question of boundary, it was clearly the duty of the President to recognize it as such; they were the laws of the land, and he was bound to obey them, whatever opinions may have been entertained by the Mexican Government or others, on the question of the boundary.

There is another preliminary remark which I desire to make, and it is in reference to the astonishing distrust on the other side of the Chamber, with respect to the recommendation of the President, the Secretary of War, and the Chairman of the Committee on Military Affairs. I believe that it has hitherto been generally considered, that in cases where the honor and the interest of a country are involved in a controversy with a foreign power, party spirit should be assuaged. And I think that the history of this country shows, that in the highest party times, when such cases have arisen, party spirit has subsided. It was so, I recollect, some years ago, when the question of the northeastern boundary was in agitation. Then nearly by unanimous consent—indeed I believe it was unanimous—means were placed at the disposal of the President to meet any contingency which might arise. So

it was also, I believe at the commencement of this war; but the spirit of party opposition has gradually arisen, and every measure suggested for the prosecution of the war is now most scrupulously scrutinized.

My thanks, and the thanks of this body and of the country, are due to the Honorable Senator from Mississippi (Col. Davis) who is on the military committee. His heroic and skillful exploits in two of the most brilliant battles—Monterey and Buena Vista—add a weight to whatever he says on this subject, which, it seems to me ought to be conclusive. He said that in all the annals of American warfare, American volunteers in anything like equal numbers, never had been beaten, and never could while our present institutions existed. The battlefields of New Orleans, Buena Vista, Cerro Gordo, Brazito, Sacramento, and others, attest the truth of what he said.

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THE GRI-GRI CASE

A criminal Trial in Louisiana during the Spanish Regime, condensed from the original record in the Spanish Judicial Archives of Louisiana.

By

LAURA L. PORTEOUS

Archive Department, Louisiana State Museum,
The Cabildo, New Orleans.

June 12, 1773.

Criminal Proceedings officially prosecuted against the negroes, Bernardo, Mrs. Trepanier's slave and Cipion, Carlos and Francisco belonging to Francisco Simars de Bellile for having wished to poison him and his overseer, Augustin.

No. 43.

55 pp.

Court of Governor Unzaga. Assessor Cecilio Odoardo.
Escribano Andres Almonester.

I

THE COURT is set for the trial. Of course this did not take place in the present Cabildo which had not yet been built, but in the first Spanish administration building which according to a Notarial Act (See Louisiana Historical Quarterly, Vol. 6, No. 2, p. 521.), was accepted on August 17, 1770, as a contract fulfilled. Picture, then, a plain room at one end of which there was a raised platform with tables, or desks, for the officials. Hanging above the Governor General's head is the crucifix, a necessary adjunct to every Spanish Court of Justice, the emblem of sanctity and the all sacred symbol upon which oath must be taken. The ordinary Catholic layman took oath on the Cross, the ecclesiastic "on my word as a priest," a gentleman, knight, or army officer gave his pledge to speak the truth by kissing the cross on the hilt of his sword, although these named could give a simple "I affirm on my word of honor." Protestants were allowed to swear on the Bible, or Holy Evangelists. The text does not say which version of the Protestant Bible was used, nor whether the Governor General and the Alcaldes had a Bible handy in the desk drawer or if the Protestants had to bring their

own Bibles along with them. Two sets of Protestants appear, the Scotch like Santiago Carrick who probably insisted on the use of his King James version and the Swiss, such as Francisco Caminada, who perhaps asked for a Calvinistic Bible.

The officials presiding in this case were Governor General Unzaga, his legal adviser, or Assessor General, Cecilio Odoardo, the escribano, or Notary, clerk of the Cabildo, Andres Almonester, whose duty it was to take down the proceedings, certify to the rulings, decrees and judgments, also to notify the interested parties of the Court's orders. Then there were the two interpreters, Jacinto Panis, Spanish and Joseph Ducros, French. It is well to note this item because the matter of interpreters plays a very important part in this case and shows how very painstaking and careful the Court was that both the defense and the prosecution be thoroughly understood. There were always two official translators appointed, as needed. One French the other Spanish so that there would be no chance of a misunderstanding. When neither language was understood by the interested party, or parties in the case, then the Court sent out to procure a necessary interpreter and swore him in as an official of the Court even if he happened to be only a poor African-born slave.

All Spanish proceedings were set down in writing at the first instance and it is this writing that has been handed down in book form, each case a separate folio, which enables the present day student to visualize this particular prosecution which took place June 12, 1773. Some preliminaries had taken place at the German Coast as is learned from Unzaga's proclamation beginning the suit and from the summary investigation made later on before the formal charge is made.

THE DRAMATIS PERSONAE ARE:

Mr. Francisco Bellile, owner of the slaves (except Bernardo) against whose life an attempt was to have been made.

Jasmin—a go-between.

Luis, a black-smith—who tells his master of the plot to kill.

Lorenzo—the discoverer of the poison in his hen-house.

Francisco, a creole negro of Illinois, second overseer and arch conspirator.

Carlos, from Guinea—engaged by Francisco to make the "gri-gri."

Cipion also from Guinea, used as an interpreter by Francisco to communicate with Carlos.

Bernardo, Mrs. Trepagnier's hunter, an innocent party, implicated in the plot because he had been asked to supply the where-with to concoct the poison.

Court Officials, Deputy Sheriff, Jailer, Interpreters etc.

The word "gri-gri" which is the title of this paper seems to have been used first by Carlos, one of the accused, to designate the poison he was asked to make. It appears many times throughout the record and is often used by the judge (Odoardo) in propounding questions. It was also set down in writing by Almonester, the escribano, and seems to have been well understood by and familiar to all those participating in the trial, including Governor Unzaga and its meaning is never challenged throughout the proceeding. The word "gri-gri" has survived and may be found in the Century, Standard and Webster Dictionaries, where it is defined as of African origin, meaning a talisman, a charm or fetish, and a "gree-gree" or "gri-gri" man is defined as an African magician or fetish priest. The word "gri-gri" as it has come down to us in Louisiana has lost something of its original African sense and has come to have almost the same significance as hoodoo, a varient of voodoo (originally snake-worship) meaning to put an evil spell on a person or enterprise through charms, incantations, etc. In the suit here under discussion "gri-gri" is used to designate the crocodile concoction as though it were poison. This may be attributed to the very limited vocabulary of Carlos, the slave, even in his "Mandringa" language. He may have associated it in his mind with a "charm" for working one's will on another.

II.

This criminal prosecution is opened with Unzaga's order to the effect that at about eleven o'clock in the morning, Captain Don Francisco Bellile, Commander and resident of the German Coast, has just arrived bringing with him, under arrest, his own slaves, Cipion, Carlos and Francisco and Mrs. Trepagnier's Bernardo. He charges them with the crime of conspiracy to kill Augustin, his overseer, the poison to be used for this purpose he brings with him. He tells the Court that a preliminary investigation has already been made on his plantation. The Governor orders the negroes held in prison and the poison submitted by

and in the presence of the escribano to Doctors Francisco Lebeau and Juan Ruby to examine into its quality and activity. He further appoints two interpreters and orders a summary investigation begun entrusting the taking of the depositions of the witnesses and of the prisoners to his Assessor so as to find and to punish the guilty party, or parties.

The news of the plot reached Mr. Bellile through Big Luis who heard it from his god-son, Jasmin, who was in turn asked by Lorenzo to get word to the master about the conspiracy as he was unable to express himself in French. This plot to kill both the master and his overseer is best summed up in Carlos' own version as gleaned from his declaration and confession.

Carlos, aged about thirty, native of Guinea, speaking and understanding nothing but "Mandringa" through a special interpreter, a negro, named Thomas, says: that coming from Africa he was bought by Mr. Francisco Bellile, he has always been very contented with him and has never been punished by anyone. Francisco, the second overseer, was angry with Augustin, the first overseer, because about twelve weeks before he was punished by him. He asked him whether as a native of Guinea he had anything with which to kill Augustin. He answered he did not know anything and that Francisco must know that he was contented with the overseer and for that reason would not do anything against him. Francisco directed Cipion who lived near to make the same demand. He must have seemed to have accepted the proposal because Cipion and Francisco returned and later made him the same proposition, adding that they would give him "pants and shirt" if he would do as they requested. He refused saying the master would give him what he needed. When it was proposed by Cipion and Francisco to kill a crocodile he knew he could eat this and did not refuse to go with them. They went to the river for this purpose, finding one that Cipion and Francisco told him Bernardo had killed for Francisco to use to kill the overseer with.* Among the three they cut it up and divided it. The crocodile, however, had not been killed by Bernardo, but was found dead and floating on the water. Cipion took the heart, and he the tail to eat it. He put it in his hut, while Cipion took the heart to his cabin. Francisco said the heart would be good to kill the overseer, who had done so much to him. When he

* The "crocodile" was, of course, our alligator.

heard their designs were to kill the overseer he did not wish to eat the tail for fear it would hurt him. Between Francisco and Cipion they made the gri-gri.† This gri-gri was made out of the gall and heart of the crocodile but he did not know how it was made so that people could be killed with it. He was questioned as to who killed his master's dogs. He said he did not know but it might have been the negro who killed his master in Santo Domingo but he did not know with what. He is untrained and does not know how to speak French so he told his brother, Lorenzo, so that he could tell the master.

This declaration seems to be true except the last assertion as according to what Lorenzo says, who lived with Cipion and Carlos, he had often seen the three, Francisco, Cipion and Carlos in conversation in the field. On the Wednesday before the arrest he took a little boat to go to feed his poultry, when he got there he found something in his hen-house that "stank." He did not touch it but mentioned the matter to Carlos when he met him. He answered that he was the one who put it there. It was to be used to kill the master and his overseer. It was made on Francisco's suggestion because he wished to become overseer in Augustin's place. He further informed him that the thing when dry, if powdered and put into water would kill anyone who drank it. He reprimanded him for his evil intention and threatened to tell the master, through Jasmin and Big Luis and actually did deliver the so-called poison by Jasmin. The latter together with Luis and Mr. Bellile confirm this statement.

Francisco gives an altogether different version. He says that about three weeks before he saw Cipion and Carlos talking in the field about the composition of a poison. He questioned them about it and why they wished to make it. They told him it was to kill Augustin with. He dissimulated with them from a desire to secure the stuff, told them just as soon as it was ready they should give it to him. When they did so it was his intention to show it to the master. He pretended to take no further notice of them so they would not think him a tale-bearer. Before he had a chance to tell Mr. Bellile, Lorenzo discovered it and through Jasmin and Big Luis took it to the master. He was the first to be denounced because Mr. Bellile suspected him

† This statement does not tally with the testimony of the other witnesses. From what is said it must be inferred that the idea originated with Francisco who by means of Cipion requested Carlos to make the poison, this he did under the supervision of the other two.—
L. L. P.

since he did not warn him immediately. He completely exonerates Bernardo, says he had nothing in common with the affair. He had commissioned him, as a hunter, to get him some crocodile fat to use on his leg to cure an ailment he was subject to.

In Mr. Bellile's declaration after reviewing the plot as he heard it from his slaves, he says; that within the last eight months about twenty of his dogs had been killed, but one remains alive. Bewildered at all that had happened in the space of a week and thinking how his dogs had begun to die he suspected that the negroes had made proof of the activity of the poison, besides his negro, Augustin, whom they proposed to kill had been languishing for two months and a half. This bit of evidence explains Carlos' remark about the killing of the dogs.

According to his own statement it is quite evident that Bernardo is innocent. To Mr. Bellile and in his declaration and confession, he says he was born in New Orleans and is a hunter by trade. He was asked by Francisco for some crocodile grease to rub on his leg. He was unable to comply with the request as it was late in the season and the cypress swamps had dried up. He had lately taken the habit to go and come by Mr. Bellile's plantation on his way to hunt and often slept in Martin's cabin who is his comrade and a good negro. He denied having anything to do with the plot to poison.

III.

In the mean time the Doctors, who know nothing of the testimony that had been taken, hand in their report on the investigation and examination of the poison. In a signed statement they say:

Immediately I, the escribano, in the Assessor's study put on exhibit for D. D. Francisco Lebeau and D. Juan Ruby a tablet about half a rod long which contained in the middle of it a soft dough or mass, the color of blood, rotten to appearances, with a little stick to stir it with. I certify it to be the material that is said to be poison which it is claimed that the negroes used as related by Francisco Seimars de Bellile, at the time it was delivered to me. In virtue of the foregoing act, the forenamed Doctor and Surgeon entered to examine the said material or mass. They found it "stinking." Doctor Lebeau raising it on one side by the same little stick, saw it had many worms on it. Both Professors concluded that what they

could affirm was that the mass was composed of some parts animal and some vegetable or herb. They can not know nor affirm whether it is poison as they do not know the species of vegetable and animal substance of which it is composed. They will have to experiment on a dog and will be able to tell, in this case, of the activity, or quality of the mass from the result of the declaration of its authors if they explain the nature of the vegetables and the nature of the animals, then they can certify with more certainty. They signed to which I affirm. (Signed) Francisco Lebeau. (Signed) Juan Ruby. Before Andres Almonester.

Later in the record the result of their experiment on the dog appears in these words;

June 18, Doctors Francisco Lebeau and Juan Ruby, Physician and Surgeon proceeded to experiment upon a medium sized dog to test the activity of the poison so as to certify to its quality which they had not been able to offer in their examination on page 4. This dog was put in a small room in the presence of the escribano and was given to eat introduced in some fresh meat, the said stuff called poison. The dog having begun to eat all that was given him which was about half the mass or drug, he was shut up in the room, the keys of which and the care of it were guarded with the greatest vigilance. (Signed) Francisco Lebeau. (Signed) Jean Ruby. Attested before Andres Almonester.

June 21, the two Doctors and the escribano went to examine into the effects that the poison had on the dog. The room was opened, that had been closed, and no change was found. They certify to this. Then they gave the dog the other half of the poison or drug with fresh meat and having eaten all in their presence except a small portion that they wished to reserve, they shut the dog up in the room and left the keys with the escribano. Signed as above.

July 10, the two Doctors and the escribano testify that every day intervening since the last dose given the dog they have visited and examined him without finding the least change. They certify that as best they can and must that the so-called poison or drug has no activity for the nature of dogs. Without knowing nor understanding its compound they can not say if it would cause greater injuries to human nature. In the presence

of the escribano they released the dog that went out without any ill effects. They added that according to what they had understood of the mass or drug it was not prepared and to the point necessary so that the poison could cause its effect, or that it would cause to any person anything different from what it had caused to the dog. The Doctors and the escribano signed.

IV.

A feature worthy of note is the taking of Carlos' deposition and confession. The text reads;

The next to be summoned was Mr. Bellile's Carlos to whom before the present escribano and the two interpreters, His Honor, Don Cecilio Odoardo was put various questions concerning the poison for the information that is needed, but he could not understand because he did not know any other language than that of his Mandringa nation and a very few French words without order. He was incapable of forming a sentence. For this His Honor ordered the proceedings suspended and that His Lordship be informed of it so that he might be pleased to provide an interpreter for this Mandringa language, who could explain in French, or Castillian. With this accomplished he will continue with his commission. The same officials sign.

June 14, 1773 Unzaga rules; Send the negro called Bingrou, who I am informed is instructed in the Mandringa language as well as French, to my Assessor so that with him and the interpreters already named they continue the investigation and the rest of the proceedings in this cause until its conclusion, translating what is necessary. Make him take the oath of fidelity (to translate faithfully and well to the best of his knowledge and understanding).

Bingrou qualifies and the following day he attempts to interpret for the Court, but it is found that he does not understand Carlos as he said he came from another village. Odoardo had to suspend proceedings again until Unzaga appointed another interpreter. His Lordship rules; Let the decree of yesterday be repeated with the negro, Thomas, who must be notified of it. Thomas qualifies and later on when Carlos makes his declaration, he together with Jacinto Panis and Joseph Ducros translate his testimony, the substance of which we have used in paragraph two of this paper. After the formal arrest when it becomes necessary to take the confession, the escribano reports July 13, that he

went to look for the negro, Thomas, at his master's house to serve as interpreter. Don Henrique Desprez told him that his slave was very seriously ill. In testimony whereof he sets this down as a matter of record. (Signed) Almonester. Evidently Thomas recovers because on August 4, he again acts as interpreter of the Mandringa speech.

On July 12th, Unzaga on Odoardo's advice rules: Considering the merits that result from the foregoing testimony, let the negroes, Francisco, Cipion, Carlos and Bernardo Trepagnier be re-committed to prison, the warden of which will make it evident that he holds them in charge and proceed to receive their confessions by the present Assessor to whom this duty is entrusted. Unzaga and Odoardo both signing. The day following, Antonio Gosson, jailer gives the required certification.

On August 3, while His Lordship was holding a public audience, the warden of the prison arrived and said that the negro, Francisco, a prisoner in this cause, asked His Lordship for a hearing as he wishes to tell the truth, having lied in all he had said. When His Lordship heard this he ordered the present Escribano, his Assessor and the two interpreters to go to the prison to examine the negro on his confession. (Signed) Unzaga.

Francisco appears before the forenamed officials and under oath declares that what he has said before was not well presented and is false. The truth is, that seeing Cipion and Carlos talking alone in the field and knowing that they were arranging something in secret, he approached and questioned them. They answered they intended to kill the master and the overseer. He was pleased, approved and incited them to begin to make a certain poison with which they proposed to destroy life. He told them for the overseer it was well, but for the master not advisable because he would investigate and they would suffer much. On being questioned about the poison he said that it was agreed among the three that it would be made from a crocodile's heart, they would prepare it but refused to tell him how it was done. As a Creole he knew nothing about how to make such drugs, but the lately imported negroes knew these arts. The devil tempted him at this moment to consent to such a great iniquity. When Cipion came from the city he brought a dead crocodile to the plantation and put it in his hut. He told him he now had the necessary ingredients and to give him a knife so that he could

take the heart out. This he lent him which he used to dismember the crocodile. The drug when it was discovered had not begun to be done, then they were arrested, after having been denounced by Lorenzo. Bernardo had no part in the plot. At about two months before the discovery he communicated this secret to Big Luis who said to him; "Do not put thyself in that, look it is not a play affair." Making the drug was done with great secrecy and he treated many times with Big Luis about the matter until the end of the winter passed while he worked with him. All this time he was in communication with Cipion and Carlos who told him this was not the time they must wait until summer because the thing they were to make from the crocodile would not turn out well until warm weather. He was asked why he had consented to the overseer's death. He said he was tempted by the devil. He was not satisfied with Augustin who had hit and scolded him notwithstanding that he, too, was an overseer. When this happened it became known to the master who said to Augustin; "Dost thou not know that Francisco is likewise an overseer, why hast thou punished him? When he merits punishment thou must inform me. I do not wish thee to punish him." and that since then they had been in perfect harmony. He was asked if he was already a comrade of Augustin why did he consent, as he had said, to his death. He answered that the devil tempted him and that there were no other unpleasantnesses between them other than the above mentioned. Unzaga orders Big Luis's arrest on the strength of Francisco's charge implicating him in the conspiracy.

On October 2, Big Luis having been put in prison makes his confession by saying; His name is Luis, born in this city, aged fifty, a bachelor and a blacksmith by trade. He was arrested by order of the Governor, he judged it was to come and declare what he knew through his god-child, Jasmin, of what the latter had learned from Lorenzo of the plot to poison Don Francisco Bellile and his overseer. Francisco having ordered Carlos, lately imported from Guinea, to make the poison. Cipion was the interpreter as Francisco did not speak his language. For this reason the manner of administering the poison, when finished, had to be explained. All this was communicated to him by Jasmin, on the Feast of Corpus Christi in the afternoon and that he reported to his master immediately. He was reminded that he must have known about

it before then as Francisco had confided in him about two months before, or at the end of the winter and that he had answered him to the effect that if he made it, it was necessary to guard it with secrecy because it was not a matter of play. He is just as guilty as Francisco since he knew of the plot which as a good slave and an honest man he should have revealed to his master and not waited until the time when the danger was admitted and when the knowledge of the conspiracy had reached all the negroes and became an outcry among them. He said this charge against him was not true and that he had not known about the affair until Jasmin told him.

His Lordship ordered Francisco to appear and under oath he was confronted with Luis' confession. He said that in reality he had known about the plot against the master and his overseer since the past autumn. While working together at the forge they had talked about the matter all winter and that he had said they must make it secretly as it was not a joke and that if it should be discovered it was enough to hang them. This plot was formed because both of them were disgusted with the master and the overseer and that Luis had said the former was bad and the latter a bully. Luis denied all of this and added that if Francisco had declared the above stated it is pure vengeance because he was the one who had revealed the plot to the master just as soon as he heard of it from Jasmin. He was questioned if he did not know that it is wrong and a transgression of the law to be silent about a crime that is intended to be executed against the master and much more so to be an accomplice in it and that the laws punish severely slaves who are not faithful to their masters. He said that he had not been involved in such a crime, on the contrary he had always been faithful to his master. Just as soon as he knew of the incident he warned him of it. Other questions were put to him and he said he had answered all he knew. His confession was read to him word for word and was well understood by him and he said that it was well and faithfully transcribed and that he affirmed and ratified it. He did not sign as he did not know how.

V.

On October 4, 1773 the Court names Leonardo Mazange prosecuting attorney who must accept and take oath to this effect and done deliver to him the records of the case. Mazange qualifies the same day.

Francisco Seimars de Bellile sets forth that another one of his slaves, Big Luis, had been arrested. It was he who discovered the conspiracy and that in as much as he is a servant who serves him faithfully he will give bond for him if it will please His Lordship to release him from prison he will obligate himself to return him to the Court whenever it is ordered. Unzaga on Odoardo's advice sends this request to the prosecuting attorney, Leonardo Mazange, who accuses the five negroes both civilly and criminally. He charges them with the crime as a result of the summary investigation. He asks the Court to declare all as criminals with treacherous intentions and condemn them to capital punishment with the exception of Big Luis who must be punished severely, however, according to the circumstances of his complicity. This punishment to serve as a public example. He considers Francisco, the Creole, the ring leader because he wished to be overseer so as to take revenge for the treatment he has received, so he incited the two African born negroes to make a poison for him. He insists upon all the charges against them and asks that the accusations against all the negroes be admitted. He agrees to release Big Luis to Mr. Bellile on his juratory security. Unzaga on Odoardo's advice rules: Admit the accusation as it has place in law. Send a copy of the foregoing to Don Francisco Bellile and release to him his slave, Big Luis, to be produced in Court when needed.

Mr. Bellile says he separates himself from the prosecution of the cause and remits all his actions to the Governor Judge of this suit who will render justice in accordance with the merits of the case. Unzaga, then on Odoardo's advice orders the criminals notified that within one day they must appoint a defender who will be sent a copy of the accusation. The negroes, with the exception of Big Luis name Francisco Broutin as their attorney to defend them. Luis asks to have Salomon Malline represent him.

Francisco Broutin acting for his clients takes up their cases one by one beginning with Francisco who has accused Big Luis with being the ringleader of the conspiracy because he told him about it a year before as they worked together in the black-smith shop. He said that when he burnt his clothes his master never gave him any, while Little Luis, the indigo maker, who did not work much but just made indigo and all the rest of the year had nothing to do, was not kept by the master without clothes. Augustin was

a bully, the slaves were disgusted with him, so that it became necessary to kill him with poison that Scipion had already been spoken to about making. The secret must be guarded well for if it should be discovered they would be hanged. Scipion had said he did not know how to make a poison but he would ask Carlos who knew how to compound it. In fact it was Scipion and Carlos who went to look for the crocodile, which they found dead, so as to procure the heart. After this time Big Luis had reflected and had remorse of conscience, so as to avoid the punishment that he merited, as the leader of the conspiracy he declared everything to the master. It must have been at this time that "Our Lord God" gave him the Grace to repent of this crime and so he confessed as Big Luis had done. He ought not to be punished by death as he was not the ring leader of the conspiracy, he had not made the poison, nor looked for the means to make it, nor had he verified the poison.

As to Bernardo, he is innocent. He was asked by Francisco to kill a canary to get the grease to put on his leg which is infirm. He answered he did not wish to kill one because as a hunter he had scruples, then he was asked to kill a crocodile which he promised to do, this was never accomplished as he could not find one. As for the twenty dogs that the master says had been killed, that happened about eight months ago and it is well known that it was the negro, Juan, who killed them and for this reason he was sent to Santo Domingo. Regarding Augustin, whom the master says has been languid for two months and a half, he can assure the Court that this does not proceed from poison because up to now it has not been compounded.

As to Scipion, he never thought to poison his master and the overseer, it was Big Luis, the ring leader of the conspiracy who told him to go with Carlos to look for the crocodile and when he found it he took what he thought necessary to make the poison. If Francisco and Big Luis had not suggested it he never would have thought about killing the master and the overseer, a crime punishable by death. He did not make the poison, nor has he ever killed anyone. Without Big Luis he would never have thought of this conspiracy and if he consented at any time it was through the fear that he had of both Big Luis and Francisco and that they might kill him if he did not do as they told him.

Concerning Carlos who is accused of making the poison, Broutin says, he seems to be crazy, for he always answers the contrary to what he is questioned. He is a brute, ignorant, untrained, does not know what he has done or whether it is a crime, or not, he has never understood the importance of this offense, besides up to now he has not composed the poison, nor has he delivered it, neither was he capable of using it. May it please your Lordship to declare him innocent. This argument for the defense is ordered sent to the interested parties.

Salomon Mallines makes his plea in defense of Big Luis to the effect that in accordance with the merits of the case and in justice he should be absolved and set free from prison. Francisco in his first declaration did not implicate, nor include Luis in the conspiracy to kill the master and his overseer, nor did either Cipion, or Carlos. It was only in a later declaration Francisco made which he said was the truth. In this later statement he shows that he wished to fasten the crime on Luis and take revenge on a slave who was always faithful to his master. This charge against him has not been sustained by the evidence of any of the witnesses, or criminals. He asks again that his client be acquitted of the crime charged against him and that he be released from prison. This is sent to the Assessor General for his legal advice. Unzaga then rules that this cause must be received for trial within nine common days during this time witnesses must be called to give their testimony and the charges against the accused prisoners must be proven.

January 14, 1774, Francisco Broutin, attorney for the accused prisoners, presents a burial certificate which he asks to have filed with the proofs. It is to the effect that on November 28, 1773, Father Luis, Vicar, buried in the cemetery of the Parish of Saint Charles (Carlos) Mr. Bellile's negro slave who was detained in the prison of this city for a crime. He died the same day, provided with the sacrament of penance. Petition granted.

January 18, 1774, Francisco Broutin, attorney for the defense sets forth that this cause has been admitted to proof and that the witnesses who testified in the summary investigation are slaves who have scattered to different parts. It is not easy to have them ratify their testimony. He asks His Lordship, Governor Unzaga, to order the testimony of the said witnesses be given as ratified and that this cause be definitively sentenced. Unzaga on Odoardo's advice orders the testimony ratified and final sentence passed.

The record ends here. It is to be supposed that the case was dropped and the other three released upon the death of poor "loco" Carlos, a pathetic figure just from the Guinea Coast, stupid and ignorant (*bruto y bosal*) unable to express the simplest thought in either French or Spanish, knowing and understanding nothing but his "Mandringa" which was difficult of interpretation except through the patience of Mr. Desprez' Thomas. Francisco, the Creole, seems to have been the ring-leader, with his ambition to be overseer, although he tries to implicate Big Luis the black-smith, distinguished from Little Luis the indigo maker, whom he charged with being the "motor" of the conspiracy. His promises made to the African born slaves to give them "pants and shirt" for their services is a proof of his shrewdness in putting temptation in their way. One of the requisites to complete the crime was missing. They had the intention to kill without the means to carry their purpose into effect. That the decayed heart and gall of an alligator, associated in their African minds with the crocodile, would cause death by poison is highly improbable. It might cause extreme nausea which is difficult to suppose would result fatally. It certainly did not seem to have any bad effects on the dog used for experimental purposes. It is no wonder that Drs. Lebeau and Ruby were nonplused when asked to analyze the mass presented to them. Francisco Broutin making use of the insanity plea for his client as a means of saving him from capital punishment may be surmised to be about the beginning of the "claim of insanity" on the part of attorneys defending criminals in Louisiana. In this instance Carlos was undoubtedly feeble-minded, if not actually crazy. It may also be noted that in the burial certificate, Father Luis said Carlos was given the sacrament of penance, but no mention is made of the Eucharist, nor Extreme Unction. He was probably considered too lacking in mentality for the first and hardly in need of the second. He was doubtless baptized when he arrived from Guinea and the name of Carlos was given him and so passed into Eternity a pitiful, pathetic soul, long ago forgotten and now brought to life again from a stained crumbling folio of papers.

We would like to know something about the antecedents of this poor creature who began his existence some thirty years before in an African wilderness and ended it in a Louisiana prison. It is not surprising that confinement killed one who had always

lived out in the open air. Carlos is a strange problem, one can not help but wonder what his simple untutored mind thought of his surroundings and of the civilization he was thrust into. Those of his own race, already here, who had received the rudiments of culture and who should have helped him to know and understand what was going on around him used him as a tool instead. Under proper training he might have made a good field hand, or domestic. He seemed to be a patient soul, gentle, obedient and contented. He would have done well with the poultry, or with the dairy, might have made a good stableman or coachman, there were many little duties on an indigo plantation he might have fulfilled if the wily Francisco had not frightened him into making a gri-gri, which he, with a certain sense of humor, knew was no gri-gri at all. L. L. P.¹

¹ But after all, the docile African, coined a new word for the history of the jurisprudence in the Spanish era, and it has come down to us without the etymological key that would unlock its mysterious origin, save insofar as the dictionaries of today preserve it and it has a meaning in Louisiana that makes this trial the first in New Orleans where words were used expressive of voodooism which was once openly practiced by negroes in Louisiana and is still the theme of legends and printed books.—Ed. La. Hist. Qy.



A YOUNG LAWYER OF NATCHITOCHES OF 1836

The Diary of William S. Toumey

Edited by

J. FAIR HARDIN
of the Shreveport Bar
and

PHANOR BREAZEALE
of the Natchitoches Bar

FIRST INSTALLMENT

INTRODUCTION BY MR. HARDIN

A YEAR ago Hon. Phanor Breazeale, of the Natchitoches bar loaned me a copy of this Diary, bearing the following certificate:

"I certify that the following fourteen pages comprise a literal true and correct copy of the diary of William S. Toumey, contained in the small book which was loaned to me by Mr. Matthew Hertzog for the purpose of copying.

"Mr. Hertzog informs me that he found the original book containing this diary among some old papers, presumably belonging to his grandfather, Mr. Matthew Hertzog, who always lived in this Parish and was contemporary with the writer of the diary, and was probably acquainted with him, but how it came into the possession of the first Mr. Matthew Hertzog is unknown.

"I returned the diary this day to Mr. Hertzog, together with a copy.

"Natchitoches, La., January 15, 1931.

"PHANOR BREAZEALE."

I found the diary so interesting, giving so vivid an account of the life of a young "circuit riding" lawyer of North Louisiana of nearly a century ago, of social life in Natchitoches, of the members of its bar and others who have left descendants in North Louisiana, of General Sam Houston, of the vanished town of Overton, then the thriving port-capital of Claiborne, of Shreveport when it was young and of its older rival, Greenwood, that

permission to publish was requested, and readily granted by Mr. Hertzog. It is therefore through his courtesy, and the interest of Mr. Breazeale, that the diary is presented and preserved in the Quarterly. Mr. Breazeale has also been of great assistance in supplying information in editing the diary with explanatory notes.

Effort has been made without avail to learn something of the life of the author other than the information contained in the diary itself and on his tomb. Though brief, the diary covers fairly fully the period of six years from 1836, when he arrived at Natchitoches via New Orleans as a seventeen-year-old Irish immigrant, until its abrupt ending in August, 1842. His grave I located quite by chance in the American Cemetery in Natchitoches where many of his friends and relatives are buried. It is situated in the highest corner of the cemetery, under the great oak trees where formerly stood Fort Saint Jean Baptiste, and bears the following inscription:

"SACRED
to the Memory of
WILLIAM S. TOUMEY
Born in the County of
Waterford, Ireland
Died June 18th, 1848
Aged about 28 years

May his soul rest in peace.—Amen."

No record of his marriage can be found in the clerk's office of Natchitoches Parish or in the parish church, and no descendants, nor anyone bearing his name, are known in the Parish today, though he constantly associated with men and women who are as well known today, through their impress on their times and through their descendants, as when Toumey knew them. No record of his succession is found in the Clerk's office.

I have a copy of The Natchitoches Herald of April 20, 1842, which confirms the diary entry of March 24, 1841, for it carries the following professional card: "Hertzog and Toumey, Counselors and Attornies, Office in Washington Street, at the Lafayette Hotel." His death is referred to in the following notice in The Natchitoches Chronicle for November 24, 1848, which I have: "Notice: Persons having business with the late firm of Hertzog and Toumey will please call upon P. A. Morse, Esq., who has been

duly authorized by me. Henry Hertzog, surviving Partner." These references serve to give an interesting explanation of the diary being in the hands of Mr. Matthew Hertzog's grandfather, for the plausible surmise is that upon Toumey's death the book, with other papers, passed into the possession of his law partner, Henry Hertzog, and from him to his kinsman. Mr. Matthew Hertzog is the present owner of beautiful "Magnolia" Plantation, near Melrose, in Natchitoches Parish, and the original diary is now in the possession of Mrs. Cammie Garrett Henry, of Melrose Plantation.

I was naturally interested in following Toumey's legal career as reflected in the Supreme Court reports. He is shown to have been an active and successful young lawyer. During his period the Supreme Court was a circuit court, sitting, among other places, at Alexandria, where the appeals from Natchitoches and north-west Louisiana were heard. His first reported appearance before this court was in October, 1843, when he appeared with Mr. Hertzog for the appellant in *McLean v. Carroll*, 6 Robinson Reports, page 43. At the same session he also appeared with M. Boyce and Sherburne and opposing Taylor, with Crain, with Lawson, with M. C. Dunn and with Rothrock in six other cases reported in this volume. In October, 1844, Hertzog & Toumey appeared before the court in Alexandria in one case reported in 9 Rob. 116, and at this term Toumey appeared with his friend and first law partner, Charles A. Bullard in a case, his opponents being P. A. Morse and Roysdon; and with Lawson in an appeal from Shreveport, where Judge Campbell had tried the case. At this term he also had the pleasure of seeing in action in numerous cases before the court Solomon W. Downs, of Monroe, then in the height of his legal career, and soon to be elected to the United States Senate.* He appeared alone in another case, and with Taylor and against Carr, and with Roysdon, in two others.

At the Alexandria term in October, 1845, he appeared in three cases, reported in 12 Robinson. In 1846 he appeared in only two cases at Alexandria, reported in 1 Louisiana Annual, while at the September term in 1847 he appeared for the last time, according to the 2nd Louisiana Annual of the Reports, in two cases. Thereafter his name appears no more among the lawyers that crowded the bar of the Supreme Court on circuit at Alexandria. At the next term, in September, 1848, we note the appearance,

* See Life of Solomon W. Downs, by Mrs. Ruffin and Miss McLure, in this issue of the quarterly.

in Martin versus Williams, 3 La. Ann. 582, of the partnership of Peets & Hertzog, which evidently had succeeded the "late firm" of Hertzog & Toumey mentioned in the Chronicle of November of that year. I have not been able to find an account of his death. At the age of twenty-nine he was carried off, perhaps as were so many in that period, by some swift illness, little understood, that took heavy toll of young as well as old. A struggling young lawyer, he had not yet accumulated enough to leave behind a record of the Succession of Toumey. Yet he left this record of a life, full while it was lived, buoyant and active and happy, and a picture of his times shot through with human interest.

DIARY OF WM. S. TOUMEY
1836

A YOUNG IRISH IMMIGRANT REACHES NEW ORLEANS

Saturday, June 18, 1836. Arrived in New Orleans in the Ellen Brooks.

Tuesday, June 28, Reached Natchitoches in the Privateer.

July 1. Posted my first letter to my grandfather.*

[From later references in the diary we know that the grandfather lived in Ireland, whence young Toumey had just arrived. The young man here found himself a member of quite a colony whose members were from the North of Ireland, and who had settled in and around Natchitoches. These formed a Presbyterian protestant group in a predominantly Catholic community, although through intermarriage they merged gradually with the more numerous Catholics. The Presbyterian faith did not survive as a separate church organization, though most of the original adherents remained of that faith. Among these were Toumey's uncle, Thomas Criswell, whom he mentions in his next entry, who was a prominent merchant. Another was Joseph Henry, later the owner of the plantation whose name he changed from Yucca to Melrose, as evidence of his admiration for Sir Walter Scott. Joseph Henry was a nephew of Thomas Criswell, and father of J. H. Henry, husband of Mrs. Cammie Garrett Henry, the present owner of that charming plantation and literary shrine. Mr. Criswell left no children, and lies buried in the Henry plot. Others of the group were George W. Morse, for many

* The information in brackets is furnished by the Editors of the Diary.

years Deputy United States Surveyor, and his brother, Peabody A. Morse, a lawyer. These two probably came to Natchitoches from either Massachusetts or New York when the United States Land Office was established at Natchitoches, a decade or more before Toumey arrived. Their two sisters had also joined them. Priscilla P. Morse married Adolphe Sompayrac. She is the grandmother of Robert A. Crain, of Shreveport. Rebecca Carlton Morse married Paul V. Somparac. Both left numerous descendants. George W. Morse acquired a large plantation which he named "Londonderry," from the old home of his family, and this memorial to these early Ulster colonists in central Louisiana is preserved in the name of the present station of Derry, on the Texas & Pacific Railway, on the old plantation. The Morses were cousins of Samuel F. B. Morse, inventor of the telegraph.]

August 1. My uncle entered into partnership with Mr. Daly. I went for the first time to the opposite side of Red River.

NATCHITOCHES TO NEW ORLEANS THREE DAYS BY STEAMBOAT

August 8. Left Natchitoches for New Orleans in the Alice Maria.

August 10. Arrived in New Orleans.

13th. Posted my first letter to Mich'l O'Brien.

14th. My uncle left New Orleans for Louisville.

17th. Posted a letter of M. O'Brien.

18th. Ditto to my uncle Denis.

21st. Went to Jefferson College in the Huntsville steamer, and found it was "no go."

[He refers here to the well known college on the Mississippi above New Orleans, unfortunately closed within the last few years. He does not explain why it was "no go," whether the curriculum, the tuition or the religion of the institution was unsatisfactory.]

23rd. Returned to New Orleans in the Carrollton.

NEW ORLEANS TO NATCHITOCHES, FIVE DAYS BY STEAMBOAT

24th. Left New Orleans for Natchitoches in the Revenue.

29th. Arrived in Natchitoches.

September 4. Sunday. Went shooting with D. O'Neil and T. Criswell.

11th. Went shooting, shot an owl and broke a gun.

1837

February 14, 1837. Tuesday. My uncle having bought of Mr. Sam S. Clark his plantation on Red River for the sum of \$2800.00 I this evening left Natchitoches in the steamboat Ceres for the plantation.

20th. Returned to Natchitoches and visited for the last time this season the Theatre Steamboat.

BEGINS THE STUDYING OF LAW

June 6th. Commenced studying in Mr. Bullard's office.

[Toumey's tutor in the study of law was Charles A. Bullard, and not his more famous brother, Judge Henry A. Bullard, who was at this time on the Supreme Court of the state. The Bullards were Protestants from Massachusetts. Two of Mr. Bullard's grand-daughters are Misses Julia and Ethel Bullard, of Shreveport.]

18th. Received Mich'l O'Brien's second letter.

24th. Commenced boarding with George Florence.

July 6th. Commenced writing for Hyams, Clerk of Court.

[Colonel Samuel H. Hyams, who achieved that rank during the Mexican War. A lawyer, and partner for many years of Judge William M. Levy, later a member of the Supreme Court. A brother of Lieutenant Governor H. M. Hyams, who was also a lawyer of Alexandria. Grandfather of Denny J. Hyams, of Natchitoches, for many years Clerk of Court also.]

August 5th. Long and Robinson joined partnership.

October 12th. John H. Shepherd died.

13th. Friday. Received a letter from my grandfather. Appointed by Judge Greneaux guardian to the property of J. H. Shepherd, deceased.

[Judge Charles E. Greneaux was for many years the Parish Judge of Natchitoches Parish, when it embraced all of north-west Louisiana. A son is Leon Greneaux, of Marks ville. A grandson was Charles Greneaux, deceased, of Natchitoches, whose two daughters, Mrs. Alma Carr and Mrs. Irma Bishop reside there.]

22nd. Sunday. Left Natchitoches with a letter from Long & Robinson to Mr. Healy. Detained at Campti by rain, slept with Gilbert M'Kechney.

23rd. Monday, proceeded to Benj. Bullit, Esq. and remained for the night.

[Mr. Bullit was the owner of a large plantation, and lived eight or ten miles above Campti on the east bank of Red River.]

24th. Went to see Mr. Healy and having finished my business with him returned to Mr. Bullit's, wrote a few lines for Mrs. Jackson's scrap-book, subject, Abbotsford.

25th. Left Bullit's after breakfast and returned to Natchitoches.

26th. Resumed my studies at Mr. Bullard's office.

December 25th. Christmas Day. Dined and spent the evening at Mr. Hyams'.

1838

January 11th, 1838. Thursday. This day I commenced taking French from M. Brechon. I am to meet him three evenings every week at Mr. Hyams'. I have long been endeavoring to cheat myself into a belief that a knowledge of French is not necessary for a Louisiana lawyer, but I have failed to convince myself of its inutility. I must therefore, to use the Yankee phrase, "turn in" and force myself (grant. invitus) to study it.

January 19, Friday. This evening I became acquainted with Mr. Hyams' of Alexandria, at his brother's.

[This was Henry M. Hyams, a prominent member of the Alexandria bar of this period, and later Lieutenant Governor of the State. Grandfather of Mrs. LeRoy A. Stafford, of Alexandria.]

March 17, 1838. St. Patrick's Day. An effigy of Paddy found hanging from the trees of Airey's corner.

[This was located at the corner of Front Street and the alley, opposite the location of the present statue of the Old Darkey.]

THE NATCHITOCHES FIRE OF 1838

A memorable day in the annals of Natchitoches—a fire broke out in the kitchen of Mr. Crossman on Second Street—communicated rapidly to the other buildings, and reduced the splendid Roman Catholic Church as well as the dwelling houses of Dr. Heard, Mr. Martine, Mr. Crossman, Mrs. Harrison, and the law office of my friend, Dunn, to a pile of ruins. Damage computed at

over \$100,000.00. We all worked like devils to save the furniture of the burning houses. Out on patrol this night—deserted at 11 o'clock. N. B. This day I petitioned the Judge for emancipation, being 19 years (minus 2 days) of age. N. B. No. 2. Pierson went to Opelousas yesterday.

[This is an interesting and eye-witness exact record of the date of the burning of the church, the second Catholic church in Natchitoches. It faced on Church Street, opposite the present priest's home, and about where the rear of the present church extends. The first church in Natchitoches stood on the present site of McClung's Drug Store, corner of Church and Front Streets, facing the river. It was also burned, at a much earlier date. The "patrol" mentioned was a volunteer police patrol.

The Dunn referred to was Michael Dunn. Pierson was Aaron H. Pierson, a prominent lawyer, and father-in-law of "Judge" Charles H. Levy, for many years Justice of the Peace and father of William M. Levy, Clerk of Court at Shreveport now.]

March 20th. Tuesday. Emancipated.

April 1, 1838. Sunday. Pierson returned. Rothrock came back a few days ago from New Orleans, having obtained a license.

[This was a lawyer's license, issued by the Supreme Court, as we learn from later entries, and from a perusal of contemporary Supreme Court Reports.]

April 3. Tuesday. P. W. Wilkins died this evening at Mrs. Harrison's.

April 4. Wednesday. At two o'clock this morning I went to Mrs. Harrison's with Dr. Frizzell and C. E. Carr, and sat up with poor Wilkins till morning—at 5 in the evening went to his funeral. Funeral service read by Mr. C. A. Bullard.

[From this and similar passages the bond of sympathy between the Protestant members of the community is evidenced. Also the absence of any Protestant minister to officiate.]

April 5. Charles E. Carr left Natchitoches for New Orleans in the "John Linton," on his way to St. Louis University.

[Charles E. Carr returned to Natchitoches, married and settled there, rearing a large family and leaving many descendants who live in the Parish today.]

April 8. Sunday. Pierson went to Campti with Gill M'Kechney, to settle the dispute between the latter and Remy Perot.

[Perot was a planter and merchant of Campti, grandfather of Remy Perot who now lives there.]

April 12. Thursday. Left town at 9 A. M. to collect a protested note of Robert F. Howard, whom I expected to find at N. Bracias'; overtook Capt. Kimball about four miles from town—rode with him for the rest of the day. Called in to Gen. Gaiennie's to see young Rachal who was lately wounded in a duel with Mr. Culbertson, found him nearly recovered. Rode on to Mr. McAlpin's and passed the night there.

[Narcisse Bracias lived near Chopin. Captain P. F. Kimball was a noted steam-boat captain, born in Bradford, Vermont, October 17, 1805, died October 1, 1847, in a steam-boat explosion in Old River, near Natchitoches. He married Helena Sibley, daughter of Dr. John Sibley, President Jefferson's friend and Indian Agent and garrison physician at Natchitoches. His grave may be seen in the Sibley plot in the American cemetery there. A number of steamboats bore his name.

General Francois Gaiennie lived on his plantation a mile above Chopin. He was killed in a famous political duel on September 18, 1839, with General Pierre A. Bossier, whose plantation home, Live Oak, was three miles away on Cane River. To avoid publicity the parties rode a number of miles away to the rear of the Emile Sompayrac plantation. Seconds of General Bossier were Sylvester Bossier, Victor Sompayrac, and P. A. Morse (Democrats), while L. G. DeRussy, F. B. Sherburne and J. G. Campbell (Whigs) were seconds for Gaiennie. Rifles were the weapons used. Gen. Gaiennie fired first but missed. Gen. Bossier fired second, and killed his opponent. Others present were Dr. J. Johnson, Dr. Dingles, T. E. Tauzin, Phanor Prudhomme and John F. Cortes. Before leaving home Gen. Gaiennie promised his wife that if he survived a messenger would bring her the news riding a white horse, but if he did not survive, a black horse would bear the messenger, that, watching across the level stretch of the Cane River country, she might thus know the news ere it was announced by voice. A black horse bore the messenger of death. His son Valery Gaiennie, married Heloise Metoyer, the great-aunt of Phanor Breazeale, and grand-mother of Mrs. D. W. Breazeale and Gaiennie Hyams of Natchitoches. See Dunn's *History of Natchitoches, La. Hist. Qtly.*, vol. 3, p. 43.

Robert McAlpin's plantation of 4800 acres was at Chopin, on the west bank of Cane River. He it is whom legend affirms—and denies—to be the original of the character of Simon Legree, the pro and con of the controversy being given by Lyle Saxon in *Old Louisiana* and by Rankin in *Kate Chopin And Her Creole Stories*. McAlpin was a New Englander.]

April 13. Started on my journey solus, rode to Gracias. Howard non est inventus; hearing that he was in the pine-woods, I crossed the river and rode several miles through the Woods. Could get no tidings of him—was just returning in despair when I met an old man who (in French) introduced himself to me as Antoine Rachal; by means of his bad English and my worse French we contrived to understand each other. He said he could find Howard, so we started together on the chase. We came to a house, where, from a conversation that took place in French between my guide and the inhabitants, I concluded that Howard's locus in quo could not be found, so I mounted and returned to McAlpin's heartily sick of my journey.

N. B. This is Good Friday. As hungry as a hawk when I got to McAlpin's—ate a good supper of bacon rashers and eggs, to the great scandal of the faithful, *pardonnez moi, "mes amis catholiques!"*

April 14. Saturday. Started from McAlpin's about seven, after a good breakfast of coffee and pancakes, rode along toward Natchitoches, rode in a burning sun—passed the steamer Teche at Ben Metoyer's—arrived in town at 3 P. M. as tired as possible—a ride of forty miles, in eight hours, under a roasting sun, and without any shade, is really no joke to a person unaccustomed to much travelling on horseback. The Teche got into town just at my heels. What was my surprise on going aboard to see Charles E. Carr, who left Natchitoches a week or two ago for St. Louis. When Carr arrived in New Orleans he met some of his college acquaintances who told him of some absurd childish regulations, newly introduced into the seminary, such as that the students should clean their knives and forks, etc. His spirit revolted against such nonsense, so he returned to Natchitoches. Says he will commence Blackstone immediately, and betake himself seriously to the study of the law. I hope he will, as he is a fine, gentlemanly young fellow. About 4 this evening I lay me down on D. 'O'Neill's bed to read a paper, with the intention of getting up to supper,

and of going afterwards to the "Musician Olio" at Lascal's ball-room, but Morpheus bound me in his spell, and I slept soundly until after midnight.

[Ben Metoyer lived at Bermuda, on Cane River. He was a great-uncle of Phanor Breazeale. Lascal's ball-room was a noted house of entertainment on St. Denis Street.]

TOUMEY, THE IRISHMAN, NATURALLY INTERESTED IN POLITICS

April 19, Thursday. A Whig meeting. Major DeRussy nominated for the Senate, and Dr. Russell and Major Blanchard for the House. A speech from J. G. Campbell, in which he charged Van Buren with Abolitionism—a little too bad, this.

[Major Louis G. DeRussy was born December 23, 1795, and died December 16, 1864. He was an officer in the regular army, and was stationed for a while at Fort Jesup, some twenty-five miles west of Natchitoches, where his first wife died and is buried. He served through the Mexican war, and at the outbreak of the Civil War he resigned his commission with the Federal forces and was commissioned a Colonel of Engineers in the Confederate forces. He built Fort DeRussy, still standing, three miles from Marks-ville, on Red River, later captured in Banks' campaign up Red River. He married the widow of Dr. Samuel P. Russell, mentioned in this entry, whose home stood on Grand Ecore Bluff, four miles from Natchitoches. Both he and Dr. Russell are buried in the old Russell cemetery at the foot of Grand Ecore Bluff. Dr. Russell was the grandfather of Misses Bessie and Scharlie Russell, of Natchitoches, the former for many years a teacher and the latter the Librarian of Louisiana State Normal College, and Mrs. Zyphyr Smith, of Natchitoches. Judge J. G. Campbell was a noted lawyer and jurist. He lived on Washington street, opposite the present home of Phanor Breazeale. For many years he was District Judge at Natchitoches, holding court also in Shreveport, where he was one of the earliest judges, and afterwards was a member of the Supreme Court.]

April 26. Thursday. Went to tea to Dr. Heard's with my uncle, Mr. Cable and G. M'Kechney, to visit Mrs. Heard and Miss Octavia Bullitt. I had never seen Miss Octavia before this evening, she having been from home for a long time; she entertained us very agreeably for about two hours, sang several songs, and played most enchantingly on the piano; don't think she is quite so pretty as her eldest sister, Mrs. Heard, but a little more accom-

plished, perhaps. I am very sorry they are all about to leave Natchitoches, as they are the only family of well-educated ladies that I have yet had the good fortune to become acquainted with in this country.

May 30, 1838. About this time I returned from Claiborne and commenced boarding with Mr. Robinson.

[Claiborne Parish had been carved out of Natchitoches by Act 42 of 1828, and at this date its Parish seat and place of holding court was at Overton, two miles from Minden, on Dorcheat, having been moved from Russellville in 1836. Harris and Hulse, History of Claiborne Parish. Thomas Crichton's country estate now occupies the site of Overton.]

June 19. This evening my uncle received a letter from Ireland.

June 20, Wednesday. Read the letter which my uncle received yesterday from Tallow. Found it to contain an account of the death of my poor grandfather, which melancholy event took place on the 1st of April. Ever since my departure from Ireland I possibly cherished the hope that I might see him once more, but those hopes, like most others, have been disappointed, by his unexpected, though not premature decease Requiescat in pace. This day my uncle remitted \$100.00 to John Long by Capt. Tode of the ship, Actress.

Monday, July 2, 1838. This day the elections for governor and members of the Legislature commenced; candidates for Governor, A. B. Roman (Whig) and D. Prieur (V. B.); for Congress, 3rd District, R. Garland; for State Senate, Gen. Pierre E. Bossier (Van Buren), B. B. Breazeale (do) and Lewis G. DeRussy (Whig); for Representatives: Samuel P. Russell (Whig), E. O. Blanchard (Whig), P. A. Morse (V. B.) and E. R. Besancon (V. Buren).

July 4, Saturday. Votes of Natchitoches Parish counted—majority for Bossier, 76. A few days afterwards the votes from other parishes arrived. Majority on the whole for Bossier, 18; for Russell, for Morse, 45. Bossier is therefore elected Senator and Russel and Morse representatives.

[B. B. Breazeale, who was defeated by General Bossier was the grandfather of Phanor Breazeale. E. O. Blanchard was a relative of Newton Crain Blanchard, afterwards Congressman, Governor, Senator and Judge of Supreme

Court. Bossier Parish was named for General Bossier. He served in the State Senate until March, 1843, when he was elected to Congress, where he served until April 14, 1844, when he committed suicide in Washington. He is buried in the Catholic Cemetery in Natchitoches.]

July 24, 1838, Tuesday. My uncle started in the Teche for New Orleans, on his way to the north.

TOUMEY'S ROUTE "ON CIRCUIT"

August 2, Thursday. Started for Claiborne, to get a mortgage from Mr. S. Manning to secure the payment of a note for \$650.00; rode as far as Campti in company with Col. Breazeale, thence solus to Mannings.

[Simon Manning was one of the pioneers of that part of Claiborne which later became Bienville Parish. He was the father of B. M. Manning, for twenty-four years Sheriff of Bienville. It was interesting to trace upon a modern map this route from Natchitoches to Overton which the young lawyer so often traversed on horseback. I was at first disposed to identify the location of the Manning homestead so often referred to by him with the one-time post-office of Manning near the eastern edge of Township 15 North Range 10 West, near where the old Lake Road crossed the present hard-surfaced road from Loggy Bayou Bridge on Route 71 to Ringgold, as shown on Hardee's Map of 1895. However, Mr. T. K. Giddens, of Shreveport, who knew both Simon Manning and his son, advises that this postoffice of Manning was the later home of the son, and not of Simon Manning, whose home was a noted stopping place for travelers on the old Lake Road, located at what was later known as the Brown Place, also shown on Hardee's Map, in Section 36, Township 12 North, Range 8 West, in what is now Red River Parish, about six miles south-east of Coushatta, on paved Highway 71. This is now New York Plantation, owned by Mr. Giddens. The famous Military Road, established in the winter of 1827-28 by the soldiers at Fort Jesup, running from Natchitoches, through Campti, Fairview Alpha, Ringgold on north through Bienville, Webster and Claiborne Parishes, crossing the Arkansas line near Haynesville, and thence extending to Fort Towson, was some three or four miles to the eastward of Mannings. This noted Road, however, while frequently used at this period, did not pass through Overton, and hence young Toumey preferred the old Lake Road, a famous north and south route which lay between Red River on the West and Grand Bayou on the East,

keeping along the first high land to the eastward of Red River, Lake Bisteneau and Bayou Dorcheat to Overton. It is still a well improved dirt road over which I have recently driven.]

August 3, Friday. Rode with Manning from his house to Overton; called on the way to see a young man named Lorson, who lives in the woods with five or six negroes, and without any white family; on entering his log cabin I was a little surprised to see a good collection of common-law books; found that he had been an attorney in Georgia; he rode with us into Overton, on the way he and I talked a good deal about law; he never had read any civil law, and flattered himself that it would soon be abolished here, and the common law introduced; I advised him not to "apply that flattering unction to his soul," as the civil law (independently of its being firmly established in the land) is a far more beautiful and equitable system than the Common law; from the opinion of mine he dissented—so we argued the case warmly until we arrived at Overton. Got to Overton about six o'clock—had the act of mortgage drawn up by Judge Peets, and signed. Talked about the election all evening. Slept at Major Lee's.

[This and subsequent references to the fact that an entire day was consumed in the ride from Manning's to Overton tends to confirm Mr. Giddens' identification of the Brown place with the Manning place. The distance from the former in Township 12, Range 8, to Overton in Township 18, Range 9, is slightly over forty miles, a good day's ride on horseback, whereas the distance from Manning postoffice in Township 15, Range 10 to Overton is only about twenty-two miles. Both are on the same old Lake Road.]

August 4. Left Overton, and after receiving sundry wettings from the skies, arrived at Manning's.

August 5, Sunday. Left Manning's and got to Natchitoches about six P. M.

[This was a ride of some twenty miles, from Township 12, Range 8, to Township 9, Range 7, but included the ferrying of Red River.]

August 16, 1838. Thursday. Left Natchitoches for Claiborne to attend to sundry affairs for Mr. Bullard—got to Manning's this evening.

August 17. Arrived at Overton.

August 18. Got to Minden. Dined with Dr. Wells and Mr. and Mrs. Olcutt; slept at Lee's at Overton.

[The first house in Minden had been erected in 1835, and the townsite was surveyed in 1836, so that it was only two years old when Toumey visited it from Overton, two miles away, which was its port.]

August 20. Monday. Arrived at Natchitoches this evening, very unwell with headache.

August 21. Fell sick of a fever, had to go to bed in the L and R's store—sent for Dr. Williams to attend me. Kept my bed from this day until Monday, 27th.

August 28, Tuesday. Went in the evening to Mr. Bullard's summer home—first saw and got acquainted with Mrs. Bullard.

[Mr. Charles A. Bullard's summer home on the road to Robeline, then Los Adais, Jefferson Highway 1, near a big spring about five miles from Natchitoches.]

September 3, Monday. Came to town and returned to Bullard's.

September 9, Sunday. Returned finally to town—cured and very well pleased with my visit.

September 17, Monday. Pierson returned from Ohio.

September 21, Friday. Mrs. Robinson delivered of her first child, a son—they call him, I believe, James Orlando Robinson. Went out to the Bullard's summer house in the evening with Col. Bludworth.

[Col. Bludworth was a large land owner of Natchitoches, and left many descendants who reside in the Parish today.]

September 22, Saturday. Spent the day at Bullard's—returned to town in the evening. Received a letter from Ireland informing me of the death of my father and of my cousin, Tom Long.

October 19, 1838. Friday. Went out in the evening with Mr. Bullard to his summer house.

October 20. Rainy, spent the day at Bullard's.

October 21. Sunday. Returned to town.

October 22. Parish Court.

October 26, Friday. Rajan's and Deblieux's negroes found guilty of burglary.

[The old Deblieux homestead still stands, though very dilapidated, across the river from Grand Ecore. It is still owned by the family, though unoccupied.]

October 30, Tuesday. Judge Bullard in town.

[Toumey evidently referred here, by use of the title, to Judge Henry A. Bullard, of the Supreme Court, brother of his friend and mentor, Charles A. Bullard.]

October 31, Wednesday. Waterman's circus.

(To be continued)



DOCUMENTS CONCERNING THE WEST FLORIDA, REVOLUTION, 1810

FIRST INSTALLMENT

Introduction by
JOHN S. KENDALL

THE City of Baton Rouge, which is today the prosperous and attractive capital of the state of Louisiana, has probably had occasion, in the course of its history, to greet the flags of more different rulers than any other community of its age and size in the United States. At one time or another there have waved over it the fleur-de-lys of royalist France and the tricolor of the French Republic; the red-and-gold standard of Spain; the scarlet banner of Great Britain; the blue-and-white of the Republic of West Florida; the stars-and-stripes of the United States; the stars-and-bars of the Confederacy; and, finally, the ensign of the restored American Union, one and indivisible—let us hope—now and forever.

The circumstances surrounding the raising of these flags, each in its turn, are exceedingly picturesque. A volume could easily be devoted to recounting them. But the most curious, most interesting, and perhaps most important of these singular episodes connects with the fifth in the series enumerated above—that is, the proclamation of the Republic of West Florida and the hoisting of its emblem in Baton Rouge in 1810. True, the Republic, such as it was, did not last long. Within a few months its banner was hauled down and replaced by that of the United States. But the fact that, even for this brief period, a portion of what is today the State of Louisiana was a free and independent governmental entity, with its own flag, constitution, and officials, makes this story one of special significance.

The revolutionary movement which resulted in the establishment of this very real though ephemeral Republic has been repeatedly told. For example, Martin, in his "History of Louisiana," says:

In the summer [of 1810] a number of citizens of the United States, who had removed to the neighborhood of Bayou Sara, joined by others from the Mississippi Territory, took up arms, embodied themselves, and marched to the Fort of Baton Rouge. DeLassus, who commanded it, having but a handful of men, could not prevent them from taking it. The people of the district sent delegates to a convention which met at St. Francisville, declared their independence, and framed a constitution. Fulwar Skipwith was appointed governor of the new States.

Gayarré, in his history, tells the story also and with considerably more detail. To Martin's dry statement of the facts he appends a description of the taking of the fort at Baton Rouge and the gallant death of Louis de Grandpré who assumed command in the absence of DeLassus. From Gayarré we learn that John Rhea was president of the Florida Parishes Convention and Andrew Steel, its secretary; and that the declaration of the independence of West Florida was issued on September 26th, 1810; and he appends the text of that interesting document.

The late Henry L. Favrot, in a paper submitted to the Louisiana Historical Society in 1895, and published in the first volume of its "proceedings," then amplified the story from family traditions and from documents in his possession. Finally, Prof. Isaac Joslin Cox, in his volume "The West Florida Controversy, 1799-1815: A Study in American Diplomacy," published in 1818, has written a very full and satisfactory account of the whole extraordinary incident.*

In view of the labors of these distinguished men, it may seem a work of supererogation to attempt at this late date to supplement their account of the West Florida revolution; nor would I have ventured upon the present paper, but for the fact that there has recently come to light a collection of hitherto-unpublished documents which, while they do not shed much additional light on the subject, are sufficiently valuable to deserve preservation in some permanent form. These documents seem to have been known to Gayarré, although, with the exception noted, he refrains from printing in extenso any thing of the kind. They were also known to Favrot, although the only one which he gives in full is Thomas' account of the attack on Baton Rouge, and that is reprinted, not

* In the Louisiana Historical Quarterly for October, 1929, there is a reference to the topic by St. Clair Favrot in a paper on Baton Rouge.

from the original, but from "a printed copy of the time."* Prof. Cox, although working principally from the archives in Seville, Washington, and Jackson (Miss.), seems also to have been familiar with these documents, or with copies of them extant in these repositories; but his method does not permit the citation of any of them in extenso.

Thirteen of these interesting items have been placed at my disposal by Mr. Waller Fowler, of New Orleans. I wish here to acknowledge his courtesy, and express my appreciation thereof. Mr. Fowler is descended from the Mather and Hickey families, which supplied two of the principal promoters of the Revolution. It is from them that the papers have been inherited. Philip Hickey, whose name occurs more than once in the course of these documents, was the son of Colonel Daniel Hickey, who was born in Enis, County Clare, Ireland, in 1740, and died in New Orleans at the age of ninety. His son, Philip, was born in 1778, at Manchac, in the Province of West Florida, at that time under the power of Great Britain.† He married Ann Mather, a relative (probably a daughter) of James Mather, whom Claiborne appointed Mayor of New Orleans in 1807. Their daughter, Adele, married Henry Waller Fowler, son of Captain Richard Fowler, of the British Royal Household Guards, and his wife, Eliza Ann Waller, of Demerara, British Guiana, a descendent of the famous English poet, Edmund Waller. The son of Henry Waller Fowler, who inherited his father's name, was a captain in the Louisiana Heavy Artillery in 1837. He made his home in Louisiana, and here it was that he married Frances Kennedy, daughter of William Edmonson Kennedy, a well-known New Orleans physician. This lady still survives, and the papers in question are her property, but have been put in my hands for publication by her grandson, through whom they were first brought to my attention.

* Favrot quotes in full one other document—John Rhea's proclamation of September 26, 1810, congratulating "our fellow citizens" on the fact that the Convention had that day declared West Florida "a Free and Independent State."

† Those curious in such matters will find it profitable to consult in this connection the documents relative to West Florida published in the *Louisiana Historical Quarterly* for October, 1929. Here will be found the patent from George III conveying to Daniel Hickey a tract of 500 acres on the Mississippi River near Baton Rouge, dated September 6, 1768; a lease from Montfort Brown to Daniel Hickey of a tract of 800 acres in the "District of Manchack," dated April 1, 1776; and some interesting information regarding the realty owned by Americans in that area. Since this paper was written, the *Quarterly* (Vol. 18, No. 4, October, 1933) has printed an exceedingly valuable paper on *The Distribution of Land in British West Florida* by Cecil Johnson.

Moreover, through the courtesy of Mr. Henry P. Dart, editor of the Louisiana Historical Quarterly, and Archivist of the Louisiana Historical Society, I have had access to the collection of documents on this same subject presented to the society some years ago by Messrs. Charles and Gustave Soniat. I have also been fortunate in securing a copy of the Constitution of the short-lived Republic of West Florida, which the reader will find heading the collection of documents hereafter printed. This interesting relic I owe to the courtesy of Mr. Robert Usher, librarian of the Howard Library, who recently discovered it among the manuscript treasures gathered in that institution through the exertions of the late William Beer. This Constitution was printed in Red-head Yorke's "Weekly Political Review," an English publication, in 1810, but has apparently never been reprinted in the United States. Allusion was made to it by Favrot, among others, but neither he, nor anyone else, so far as I am aware, has attempted to synopsise the contents of this remarkable state paper. I feel deeply indebted to Mr. Usher and the Howard Library for the opportunity to give it here in its entirety.

It will thus be seen that, from these sources, a fairly complete documentation covering the period from July 30 to October 16, 1810, has been assembled. I have arranged the whole collection in chronological order, using the Fowler papers as a basis, and inserting the Soniat documents at the proper places. The result interestingly supplements the labors of the writers whose works on the subject I have mentioned above. The reader will have little trouble in supplying for himself the connection between each successive document. It is therefore necessary merely to remind him that the area known in 1810 as West Florida was that section of the present State of Louisiana lying between Lakes Maurepas and Pontchartrain on the south, and the border of the State of Mississippi on the north, and extending from the Mississippi River east to the Pearl. This region now includes the parishes of East and West Feliciana, West Baton Rouge, St. Helena, Livingston, Tangipahoa, Washington, and St. Tammany.

In 1810 the Government of the United States had the impression that this territory had been ceded to it by France under the treaty of 1803. Spain, however, refused to concur in this interpretation of that treaty, and set up a claim to West Florida on the ground that the district was not a part of the territory trans-

ferred by her to France in the treaty of San Ildefonso, and therefore could not subsequently be sold by France to the United States. The basis of Spain's contention was the fact that in 1763 the region in question came into the possession of Great Britain and was taken from her in 1779 by a Spanish army under Galvez, and had been continuously under the control of Spain thereafter. When the United States purchased the Louisiana Territory, in 1803, Jefferson, in accordance with his policy of conciliation, made no attempt to take over West Florida, and thus the Spanish officials went on functioning there undisturbed down to 1810.

In that year the Spanish governor of Florida was a man named Folch, whose headquarters were located at Pensacola. He was represented in West Florida by a deputy, Charles Dehault Delassus, the individual alluded to by Martin. Delassus resided at Baton Rouge in the fort which dominated the town. He was slothful and inefficient, or perhaps he was handicapped by the difficulty of communicating with his superiors in Florida, and unwilling to assume responsibilities; at any rate, he was not a satisfactory official, in the eyes of the numerous Americans who had settled in the country under his jurisdiction. They said that he had shown himself unable to deal effectively with the malefactors who carried on all manner of depredations along the Mississippi borders and that he was unable to control the smugglers and fugitive slaves who found their way into West Florida. Now he was to show himself also unable to cope with the elements in the local population opposed to the continuance of Spanish rule.

There can be no doubt that events in West Florida were largely influenced by the westwardly and southern movement of the frontier population which overflowed from the original thirteen English colonies. The revolt of these colonies and their evolution into a permanent national organization, set a precedent which the English-speaking immigrants in West Florida felt bound to follow. The grievances of which they complained were, no doubt, real, but they do not seem so serious that they might not have been remedied by the Spanish authorities with a little effort and perhaps a different set of officials. One who studies the records of the West Florida Revolution cannot well avoid the conclusion that the uprising was motivated more by a determination to wrest the disputed territory from Spanish possession and incorporate it into the American union, than by any

feeling of resentment against a tyrannical government, or any reaction from the anarchical state of affairs then prevailing in Spain itself.*

West Florida contained quite a varied population. There were French, Spanish, and Americans. The latter were mainly emigrants from other states. The French and Spanish were, for the most part, content with existing conditions. These differences of opinion, together with the uncertain status of the district under the Treaty of Cession, and the inability of Delassus to enforce law and order, occasioned much unrest. This was fomented by the Kemper brothers, who, after the abortive uprising in which they figured in 1804, expended their hatred of the Spaniards in active propaganda in West Florida against the continuance of their control.

The situation was brought to a head in June, 1810, by a rumor that Napoleon was preparing to seize West Florida. The Americans in what was then called New Feliciana determined to take action to prevent intervention by the French, and, if possible, to precipitate a condition in which annexation to the Union would become inevitable. On July 1st some 500 of the inhabitants met at Sterling's, about 15 miles from the Mississippi and 10 miles from the West Florida line, "to take into consideration the state of the province and to adopt some mode of rendering their situation more secure both against foreign invasion and internal disturbances." The result of this meeting was a second and much larger convention at Buhler's [St. John's] plains on July 17, where a constitution was adopted, which outlined a form of government for a new Republic.

The convention which adopted the constitution met with at least the outward approval of Governor Delassus. Whatever might have been his sentiments—and subsequent events seem to show that he had no intention of supporting a movement subversive of Spanish authority—his situation was very awkward. He was loyal to Ferdinand VII, but that monarch was a prisoner in the hands of Napoleon, and his place had been taken on the throne of Spain by Joseph Bonaparte. In other parts of the Spanish domains in America where the authority of King Joseph was not recognized, the people had organized juntas for their government in the name of the deposed Ferdinand. Apparently Delassus saw nothing improper in that action, provided it went

* See Phelps, *Louisiana*, 166-167; 249 ff.

no further, and was not altogether unwilling that some such step should be taken in the territory under his control. Subsequently, he assumed an altogether different attitude. In the meantime, however, he exchanged a series of diplomatic notes with the officials of the convention. These communications form the opening section of our collection of documents.

The Convention, however, was not deceived by Delassus' efforts to gain time in which to communicate with his superiors in Pensacola, and proceeded, on September 26th, as already mentioned, to issue a declaration of independence. This declaration was transmitted to the president of the United States through Governor Holmes, of the Mississippi Territory, and on October 10th John Rhea, president of the convention, addressed a communication to the Secretary of State at Washington, praying for the annexation of West Florida and its immediate admission into the union, whether as an independent State or merely as a territory. As we know, the United States refrained from action, except as President Madison, in his proclamation of October 27th, asserted the right of his government over the disputed territory under the Treaty of Paris.

On October 26th, 1810, Fulwar Skipwith was elected governor of the Commonwealth of West Florida. He was inaugurated on the 7th of the following month. On this day the flag of the West Florida Republic was unfurled in Baton Rouge. This, however, was not the first time that the blue standard, with its single large silver star, had fluttered in the breeze. A month previously, a flag of that design was secretly made by the women of Baton Rouge, and on September 22nd, when Thomas and his little army assembled in that city, they found it waiting for their use. The next morning it was hoisted above the captured fort, and there it remained, according to Favrot, till displaced by the banner of the United States.

Skipwith, in fact, did not continue head of the independent state of West Florida very long. On December 7th Claiborne, acting under instructions from President Madison, arrived in Baton Rouge from Natchez at the head of a detachment of militia, and took possession of West Florida in the name of the United States. The people yielded a ready acquiescence, and the government of the ephemeral republic dissolved without opposition to the new order of things.

Skipwith, as the one-time head of an independent American republic deserves more than a passing notice. Moreover, he was an interesting and picturesque personality. He was an intimate friend of Thomas Paine, he of the "Age of Reason." One of his daughters married Governor Robinson of Louisiana. Skipwith was born in Virginia, in Dinwiddie county, some time before the outbreak of the Revolutionary War. In 1790 he was appointed by President Washington to be United States Consul in the French West Indies, and in 1800 Jefferson promoted him to be Consul General to France. While the Directory was at odds with the United States and refused to have any communications with our ambassador, Skipwith was the sole diplomatic representative of the United States in France.

The Berlin and Milan decrees caused many American merchantmen to lie up embargoed in French ports, and there ensued considerable distress amongst the seamen interned on these vessels. Skipwith did all in his power for their relief, even drawing upon his own resources to defray their necessities. Subsequently, he tried to collect the money thus spent, but the United States has always been notoriously slow in settling such accounts, and during Skipwith's own lifetime no appropriation could be secured with which to reimburse him for the expenses thus incurred.

It was during his residence in France that Skipwith met Paine. A warm friendship sprang up between the two men. They roomed together in Paris for some months. Skipwith also came to know all the figures in the French Revolution. In later life he used to describe most entertainingly his life in Paris, the brilliant scenes in which he moved at Marly, Versailles, Fontainebleau; and the men whom he met there—Napoleon, Danton, Robespierre Barras, Talleyrand, and other important personages. Moreover, it was during this period that he met the young French countess who became his wife. He brought this lady home with him to the United States when, in 1809, he left Europe to settle in the newly-created State of Louisiana.

Skipwith bought an extensive tract of land on the Mississippi river just above Baton Rouge. He intended to establish a sheep-walk there, but changed his mind, and planted the estate to cotton. He did not cease to figure in public life. He was one of the most active spirits in the West Florida revolution, and it was fitting that he should serve as chief of the Commonwealth during its

brief existence. In a biography of Skipwith published in 1882 by Meynier, the statement occurs that "he was retired by an act of Congress on April 15, 1812;" the date at which the territory once known as West Florida was added to the State of Louisiana. In 1825, however, it is known that he was receiver of the land office at Montpelier.

His marriage was not altogether successful. He quarreled with his wife, and eventually Mrs. Skipwith left him. Their children sided with their mother. Skipwith retired to his plantation and resided there till his death in 1834, with no companion but a young nephew. His life in these later years was picturesque in the extreme. Skipwith was a man of far more than average intelligence. His powerful mind had been developed by a college education, by foreign travel, and by extensive reading. His conversation was exceedingly interesting. He was more than six feet tall, straight as an arrow, muscular, dignified, stately, and, as one of his biographers remarked, "looked every inch a ruler." He was extremely methodical in his habits. He rose at dawn and spent the entire day superintending the work on the plantation. After the evening meal he and his nephew retired to the drawing room, and there spent the evening in conversation; or rather, Governor Skipwith discoursed and the younger man listened till bed time.

We have a curious picture of the old man at this time. It was his wont to establish himself beside the great fireplace in the drawing room of his plantation mansion; "on one side of which a chair of some fancy sort was placed for the nephew, and on the opposite side was a cushioned, big-armed, high-backed veritable chair of state, where the Governor reclined himself cosily . . . Memories [of his life in Europe] flowed from his mouth as smoothly as water from a gurgling fountain. On one side of the chair of state was placed a small round table, on which his servants placed a long candle in a high silver candle stick, a large decanter of water, a sugar dish and tongs, a decanter holding a quart of whiskey, and a large meerschaum pipe, by the side of which reposed a tiny tobacco pouch. On the other side of the chair was placed a basket full of cotton seed, and an empty basket to hold the cotton seed when picked. To pick that basket of cotton seed was the task of the evening. He might engage in animated narratives of interviews with the Consul or the Emperor, or with some other of the great men of those days of

great deeds, but the cotton picking went on mechanically and monotonously all the same. He did not even pause to mix himself a drink. That indispensable part of the drama always devolved upon the young relation . . . The basket of picked seed was nearly full, and the Governor was quite full," when at last curfew sounded and the oddly-assorted pair rose to retire. It is said that Governor Skipwith, no matter how deep had been the evening's potations, never showed any indication of them, but rose from his great chair as steadily and composedly as though he had imbibed nothing but water, made his exit from the apartment with the elaborate, old-fashioned grace which had marked his demeanor in the court of France. He always walked backward to the door, facing his nephew on foot beside the fireplace, and then with an elaborate bow made his exit.

Regarding the other personages in the West Florida affair we have very little biographical material. Favrot gives some details regarding Philemon Thomas. In Fortier's "Louisiana" will be found a biography of Delassus. Favrot's account of Grand Pré is rather obviously fictitious. John Rhea subsequently became Judge of New Feliciana, and served as such till 1812. Other details as to the subsequent history of the other actors in the curious and picturesque drama of the West Florida republic will be found in Rowland's "Letter Books of W. C. C. Claiborne." This branch of the subject, however, has been only very casually explored. Doubtless, if we knew more of the biographies of the participants in the West Florida revolution, some of its aspects, which remain obscure, would be cleared up. For example, one would like very much to know just how far they were involved in the so-called Morales land speculation, to which Claiborne, in his letters, referred with so much suspicion.

We cannot go further into the history of West Florida, except to remark that after the territory had been annexed to the United States, some time elapsed before it was definitely incorporated into Louisiana, and in the interim was administered in rather a haphazard manner. In 1811 the whole episode was debated in the Senate, in a famous discussion upon the admission of Louisiana, with annexed Florida, into the Union. In this debate Josiah Quincy, senator from Massachusetts threatened secession from the Union in these memorable words:

I am compelled to declare it as my deliberate opinion that, if this bill passes, the bonds of the Union are virtually dissolved; that the states which compose it are free from their moral obligations, and that as it will be the right of all, it will be the duty of some, definitely to prepare for a separation amicably, if they can, violently if they must.

It was a senator from Mississippi, Poindexter, who called Quincy to order, and demanded from the chair whether it was consistent with the propriety of debate to use such expressions. Poindexter asked in addition, "Whether it be competent in any member of the house to invite any portion of the people to insurrection and of course to a dissolution of the Union."

Thus the Florida Revolution, which might otherwise have only a local interest, had an echo at the National Capital which prolonged itself curiously through the debates of the next forty years, when Massachusetts gradually revised her views on secession, forgetting the principles laid down by her great representative in 1811, and taking over those of men like William Lloyd Garrison.*

DOCUMENTS

- I. Constitution of West Florida, July-August, 1810.
- II. Delassus' Answer to the Convention's address.
- III. John Mills acknowledges receipt of Delassus' letter.
- IV. The Convention's Memorial to the Captain General of Cuba.
- V. The Convention's address to the people.
- VI. Herries sends a translation of Delassus' letter.
- VII. St. Francisville pledges support to the Convention.
- VIII. The Convention to Delassus.
- IX. The Convention names Judges and Militia Officers.
- X. Delassus to the Convention.
- XI. The Convention to Delassus.
- XII. The Convention justifies its procedure.
- XIII. A Proclamation by Delassus.
- XIV. The Convention addresses Governor Holmes.
- XV. The Convention asks the help of Claiborne.
- XVI. Benjamin Williams' resignation from the Convention.
- XVII. Thomas' Proclamation to the People of Baton Rouge.
- XVIII. Thomas' report on the Battle at Baton Rouge.

* There is in the files of the Louisiana State Museum a curious document in which the Florida Parishes presented a claim to Congress for compensation for their services in conquering the territory before its annexation. It is not appended here because I have not been able to get any information as to its origin or conclusion.

- XIX. Address of the Volunteers in Baton Rouge to the Convention.
- XX. Thomas' account of the Engagement at Bayou Sara.
- XXI. Thomas designated to restore tranquility in St. Helena.
- XXII. Governor Holmes' reply to the Convention.
- XXIII. Stephen Winter asks financial assistance from the Convention.
- XXIV. Stephen Winter asks permission to go on recruiting service.
- XXV. Thomas reports his activities in St. Helena.
- XXVI. Quilling warns Thomas of possible Indian depredations.
- XXVII. Abm. Spears justifies his conduct.
- XXVIII. Baldwin reports having seized Brown's papers.
- XXIX. Baldwin deals with insubordinate members of his Command.
- XXX. Affidavit of Metzinger accusing Brown.
- XXXI. Danger from hostile Indians expected at Springfield.

I.

**Constitution
of
West Florida
(July-Aug., 1810)**

When the sovereignty and independence of a nation have been destroyed by treachery or violence, the political ties which united its different members are dissolved. Distant provinces no longer cherished or protected by the mother country have a right to institute for themselves such forms of government as they may think conducive to their safety and happiness.* The lawful sovereign of Spain, together with his hereditary kingdoms in Europe, having fallen under the dominion of a foreign tyrant, by means of treachery and lawless force, the right naturally devolves upon the people of the different provinces of that kingdom, placed beyond the grasp of the usurper, to provide for their own security. The

* In Yorke's Weekly Political Review, from which, as stated in the text, this document has been extracted, there is an introductory paragraph reading as follows:

"The following contribution has been circulated in West Florida, and is said to have been well received about Baton Rouge. In New Feliciana, much the most populous, wealthy and important district of the province, we are informed there is considerable diversity of opinion. Some of the inhabitants favor the idea of an independent government; a strong party is yet in favor of Ferdinand VIIth; whilst the mass of the inhabitants are desirous of coming under the protection of the U. S. From St. Helena, Tanchipao (sic) and Christianne we have not yet heard, but presume they would prefer the protection of the U. S."

The most complete file of Yorke's Weekly in this country is in the Library of Congress. It is greatly to be desired that some one should examine this file for further material on the West Florida Revolution. The present writer regrets that it has not been possible for him to do so.

allegiance which they owed and preserved with so much fidelity to their lawful sovereign, can never be transferred to the destroyer of their country's independence.

We therefore, the people of West Florida, exercising the right which incontestably devolves upon us, declare that we owe no allegiance to the present ruler of the French nation nor to any King, Prince, or Sovereign who may be placed by him on the throne of Spain, and that we will always, and by all means in our power, resist any tyrannical usurpation over us, of whatever kind or by whomsoever the same may be attempted to be exercised for this purpose, and in order more efficiently to provide against the usurpation of our rights, to preserve domestic tranquility and secure to ourselves the blessings of peace, liberty and impartial administration of justice, we do ordain and establish the following:

Art. 1. The laws, usages and customs heretofore observed in the administration of justice, and in determining the right of property, shall remain in full force, as far as the situation of the country will allow, until altered or abolished in the manner hereinafter provided.

Art. 2. All lawful contracts heretofore made and entered into, shall be binding on all parties, according to the true intent and meaning thereof.

Art. 3. The officers of the militia shall retain their commissions and the Alcaldes and Syndics of the several divisions shall continue to hold and exercise the duties of their respective offices, having the same jurisdiction as heretofore, until otherwise provided by lawful authority.

Art. 4. One Governor, one secretary and three counsellors of state shall be immediately chosen by the people, who shall enter upon the duties of their respective offices on the——day or——the present year 1810, after having in the presence of each other taken the oath faithfully to discharge their respective offices, and to exercise the powers herein granted to them to the best of their judgment for the good of the people.

Art. 5. The supreme executive power shall be vested in the governor, who shall also be the commander-in-chief of all the military force of the commonwealth, and shall cause the laws to be faithfully and impartially executed, he shall by and with the consent of the three counsellors of state, or a majority of them

have power to appoint and commission all officers, civil and military, whose appointment is not herein otherwise provided, and to revoke the commissions of inferior magistrate now in office, or hereafter commissioned by him at pleasure.

Art. 6. The legislative power shall be vested in the three counsellors of state, or a majority of them, but no resolution of law passed by them shall have the force or authority of law without first having been approved by the governor.

Art. 7. The legislative council shall meet on adjournments, but the governor shall have the power to convene them at any other time when he shall think it expedient, and thus cause to be published, from time to time, such laws and regulations as may be made for the better government of the commonwealth.

Art. 8. The three counsellors of state shall be conservators of peace throughout the commonwealth, and to decide all causes and prosecutions, civil and criminal, which may be instituted by individuals or on behalf of the commonwealth and submitted to their decision. For this purpose they or a majority of them shall hold a court four times in every year, at such times and at such places as shall be provided by law; they shall have and exercise when in session for that purpose the same jurisdiction, both original and appellate, as has hitherto been exercised by the highest authority in the kingdom, and their judgment shall be final.

Art. 9. The governor, by and with the advice of the legislative council, or a majority of them, shall have power to declare war, lay taxes, regulate commerce, dispose of public lands, grant permissions of residence to emigrants, establish rules for the naturalization of foreigners, form treaties or enter into confederacy with other states, establish inferior tribunals of justice, provide for the common defense and common welfare, and in general to do all acts and establish all such laws and regulations as may be conducive to the safety and prosperity of the commonwealth, provided always that no law shall be made to have a retrospective effect or in any way to effect (affect?) the obligations of contracts, and provided that no man be deprived of life, liberty or property without an impartial trial, in which he shall be allowed to examine all the witnesses against him, and produce witnesses in his defense.

Art. 10. It shall be the duty of the Secretary of State to keep and preserve the acts and laws passed by the legislature and the proceedings of the governor in his executive department.

He shall keep all public records, as well as those now in being as those hereafter to be made, and the seal of the commonwealth, and shall furnish copies of public records under the seal of the commonwealth, if required.

Art. 11. The governor and the legislative council shall at any time when they may think it expedient, not more distant than three years from the time of entering upon the duties of their respective offices, cause a convention of delegates chosen by the people, in such a manner as they shall prescribe by law, to be held at Baton Rouge, which said convention shall have full powers to form a constitution for the better government of this commonwealth, to establish the future seat of government, and to declare at what time the powers herein granted shall cease, and determine till what time the seat of government shall remain at Baton Rouge.

Art. 12. The governor shall receive an annual salary of — for his services and each of the counsellors a salary of — for their services; the secretary of state shall receive an annual salary of —, together with such fees of office as may be allowed and provided by law. The compensation of all inferior officers shall be ascertained and fixed by the legislature and no officer of this government shall hold any office under or receive any title or pension from a foreign state.

Art. 13. When the present declaration and ordinance shall have been approved and signed by a majority of the inhabitants within — it shall have complete effect and operation within the said district, and together with laws and regulations made in conformity with it, shall be the supreme law of the land; it shall also be extended to any other district or places in West and East Florida, in which it shall be approved and signed by a majority of the people, and to give immediate operation and effect to the same the following gentlemen are hereby designated to the different offices respectively, and fully authorized and required to exercise the power and perform the duties thereof, viz.:

[But at this point the document makes no attempt to enumerate the persons to be designated. Instead, there is a concluding paragraph, as follows:]

We the people do hereby approve and confirm the foregoing declaration and ordinance in all its parts, and to support it we mutually pledge to each other our lives and fortunes, and our national honor.*

* The person who transcribed the foregoing from Yorke's Weekly, for the Howard Library, appends to his neatly-written manuscript the following note:

N. B. The foregoing draft of a Constitution bears neither date, nor signature. Gayarre (History of Louisiana) though well informed about the transactions of that epoch, seems not to have known it. Yet it has, we think, all the marks of authenticity, and must have been written about July and August, 1810, as it was published in London on October 6th.

The scheme probably originated with the Anglo-Spanish party at Baton Rouge, who thus wished, by establishing a provisional government, to preserve the possession of the province for Spain, then engaged in her struggle against Napoleon. But their plans were overriden by the American settlers in the Felicianas. A convention met at Francisville (sic), and one its first acts (Sept. 22) was to order the militia to seize upon the fort of Baton Rouge, on which occasion its acting commander, Grandpre, was killed. Then followed a curious proclamation to the people of West Florida, dated September 24th, signed by John Rhea, as president, and Andrew Steele as secretary of convention, the independence of the state was declared under all sorts of protestations of loyalty to Spain. Immediately after (Oct. 10th) the convention asked for annexation to the U. S. and on the 27th President Madison issued his proclamation, and Governor Claiborne of Louisiana was ordered to take possession of the country, in spite of the objection of the English Ambassador and the unoccupied parts of the territory declared property of the U. S.

(To be continued)



✓ a
A HISTORY OF CONCORDIA PARISH, LOUISIANA

By ROBERT DABNEY CALHOUN
VIDALIA, LA.

Dedicated to the memory of my father, Judge Nathan Meredith Calhoun

NINTH INSTALLMENT
(Continued from October, 1933, Quarterly)

CHAPTER XXI.

MISCELLANEOUS

NO newspaper was published in Concordia prior to 1841. The writer has several copies of the *Red River Whig*, published at Alexandria in 1840. John H. Ransdell, its editor, was the father of Ex-Senator Joseph E. Ransdell and of Judge F. X. Ransdell. These papers carry judicial advertisements for Concordia Parish.

In its issue of Nov. 14, 1840, the *Whig* reports the result of the Presidential election just held. It says:

"The election in this State has resulted in the success of the Harrison ticket by a majority of 3906 votes. The Whig gain since July is nearly 2,000 votes . . ."

In its next issue the paper gives the tabulated returns from Louisiana by Congressional Districts, the returns of the Third District which included Concordia being: Harrison, 3,556 and VanBuren, 2,098. The Whig ticket received a majority of 160 in Concordia.

Our first newspaper, the *Concordia Intelligencer*, was established in 1841. The writer has seen a copy published in that year, but it is not now available and he does not remember who its editor was. In 1846 it was being published by Mary Patterson with James Edward as her editor. Edward later became proprietor and continued as such until 1853, when the paper was taken over by W. F. Eisely & Company. The writer understands that George Eisely, now Post Master at Tallulah, is a descendant of W. F. Eisely.

We are fortunate in having a number of its issues published in the '40's and '50's. During that period the paper was large and well printed and would compare favorably with the country weeklies of today. James Edward wielded a versatile and forceful editorial pen. The paper carried an immense amount of advertising of "everything under the sun," by Natchez and New Orleans firms, as well as from other cities. Space will not permit our noting them here, but we cannot refrain from inserting one, and if any reader of this is inclined to gout and "possesses a nose the color of a ripe strawberry," he has our sympathy:

"SAMUEL C. SCOTT & COMPANY
Monterey Landing, Louisiana.

Dry Goods, Hardware, etc. Superior Falkirk Ale, French Cordials, Medicated London Gin, Heidseik Champaigne, Old Port, Madeira & Claret, Lemon Syrup & Preserves. Anything from a cambric needle to a barrel of mess pork."

In the late '50's, the *Concordia Intelligencer* was taken over by John McDowell. In 1862 it had shriveled to one little sheet, about eighteen inches square, and the War suspended it entirely.

In 1870 Judge Wade H. Hough commenced publication of *The Vidalia Herald*, of which we have several copies. In 1874 David Young, negro, began publication of *The Concordia Eagle*; and in 1879 this paper was being published by J. P. Ball, Jr., another negro, and in the early '80's by the Eagle Publishing Co. The issues we have of these papers possess but little interest.

Publication of *The Concordia Sentinel* was commenced by Josiah L. Rountree on February 18, 1882. A few years since, Mr. Rountree retired and turned the paper over to one of his sons, Percy L. Rountree, by whom it is still published. Mr. Rountree is one of the oldest residents of Vidalia and is believed to be the only white person now living here who witnessed the bombardment at Vidalia by the Federal gun-boats. At the time, he lived with his mother and sister in Natchez and viewed the Vidalia skirmish from the Natchez bluff. He also witnessed the Federal bombardment of Natchez, which was occasioned by a small party of Natchez citizens who fired on the Federal fleet with shot guns as it anchored. A few shells were thrown, doing little damage to property, but a little girl, the sister of our friend Dr. Philip Beekman, was killed. Mr. Rountree's sister, Mary Emma Rountree, was one of Concordia's pioneer educators. She began teaching in

1863 in the home of Major Scott, at Monterey, and subsequently married the Major's son, Captain William A. Scott, and their son, Josiah P. Scott, has been the editor and publisher of *The Tensas Gazette* for many years.

The *Ferriday Enterprise*, established by Mrs. Patrick W. Mulvihill at Ferriday in 1927, survived only a year or so, the field being too small for the support of two weeklies.

THE NATCHEZ TORNADO OF 1840

The great Natchez tornado occurred on March 7, 1840. *The Natchez Free Trader* of the next day carried a very lengthy and interesting account of it, and this was re-published by the *Natchez Democrat* on May 6, 1928, from which our account is drawn:

The first indications of the approaching storm were noted about one o'clock (Thursday, the 7th), in the direction of Natchez Island, ten miles south of the City. There was "a continual roar of thunder, very heavy clouds being rapidly whirled along, and much lightning." These conditions were noted, without alarm, and

"The dinner bells in the large hotels had rung a little before two o'clock and most of our citizens were sitting at their tables, when suddenly the atmosphere was darkened so as to require the lighting of candles. A few moments afterwards the rain was precipitated in tremendous cataracts, and in another moment the tornado in all of its wrath was upon us. The strongest buildings shook as if tossed with an earthquake; the air was black with whirling eddies of house-walls, roofs, chimneys, etc. Huge timbers, torn from distant ruins, shot through the air as if thrown from a mighty catapult. . . The greater part of the ruin was effected in the short space of three to five minutes, although the heavy sweeping tornado lasted for nearly a half hour. For about five minutes, it was more like the explosive force of gunpowder than anything else. . . Our beautiful city is shattered as if it had been stormed by all the cannon of Austerlitz. . ."

The storm first swept Natchez Island, then across the point below the plantation of David Barland, opposite P. M. LaPice's plantation in Concordia. It then struck the Natchez bluff, about a mile and a half below the City, near the "Briars" mansion, which was slightly injured; but it "swept the mansion of the late Charles B. Green, Bellevue, and the ancient forest in which it was embossed, into a mass of ruins." The tornado struck the City

through its whole width of one mile, including the entire river and the village of Vidalia. At Natchez-under-the-Hill the destruction of dwellings, stores, steamboats and flatboats was almost entire from the Vidalia ferry to the Mississippi Cotton Press. In the upper city, scarcely a house escaped damage or utter ruin. The Presbyterian, Methodist and Episcopal churches were badly shattered. Parker's Great Southern Exchange was demolished; and the City Hotel and Mansion House were badly damaged . . . "The house of Sheriff Izod has not a timber standing, and hundreds of other dwellings are nearly in the same situation."

"The Court House at Vidalia is utterly torn down, also the dwelling house of Dr. M'Whorter, and those of Messrs. Dunlap and Stacy. The Parish jail is partly torn down. Parish Judge Keeton of Concordia was instantly killed while seated at dinner at the house of Mr. Stacy. He was a noble and esteemed man. No other persons were killed in Vidalia, although some others were hurt."

Of fifty or sixty flatboats in port only six were left afloat and it was thought that at least one flatboatman went down with every boat. The steamboats Hinds, Prairie and St. Lawrence and the Vidalia ferry boat were all sunk, with more or less persons being lost in the two first named. Timothy Flint, the historian and geographer, and his son, from Natchitoches, and Dr. Taliaferro and others, were dug out of the ruins of the Steamboat Hotel, uninjured. Nine casualties had been taken from its ruins. "The number of burials which have taken place today is about fifty, and many are still in a dangerous and dying condition." The article then tabulates the damage in the City at \$1,260,000. In a subsequent issue of the 10th, additional details are given and the damage in Natchez and surrounding territory is estimated at \$5,000,000.

THE CYCLONE OF APRIL 24, 1908

In Concordia, the cyclone of April 24, 1908, was a much greater calamity than the tornado of 1840. This storm, coming from the southwest, between six and seven o'clock in the morning, first struck the Larto section in Catahoula Parish. It then swept across Black River and through the South Bend and Monterey neighborhoods of Concordia; thence across the Cocodrie swamp to the Lucerna, Scotland, St. Genevieve and White Hall plantations on the Mississippi below Vidalia; thence across the Vidalia

peninsula through the Lake plantation, about a mile west of town; and thence across the Mississippi at Giles' and through the northern part of Adams County to Church Hill.

In the South Bend-Monterey neighborhood, where there were 80 or 90 houses, it is said that none were left standing in good condition, and that eight people were reported killed and a number injured. F. J. Burley, A. F. Burley, V. B. Hawthorne and child were injured. F. L. Campbell's place was demolished and Mrs. Campbell and youngest daughter injured. Mr. Rabb's home was damaged and his two daughters sustained injuries. Mrs. Godwin was killed. Cyrus Burley's home was damaged and all barns blown away. Dr. Burley was seriously injured and his residence blown down. Prof. and Mrs. Crichlow were injured. Fred Burley's store and the store and residence of C. Brown were blown away. Mrs. J. W. Thompson and baby were blown away, and the baby had not been found. A baby was blown from its mother's arms into the river, but she succeeded in rescuing the child. Six negroes were reported killed.

Plantation houses, gins, barns and cabins on Lucerna, Scotland, St. Genevieve, White Hall and Lake plantations were either razed or badly wrecked. At Lucerna, Mrs. Devereaux Shields, on a visit to her sister, Mrs. Winston, was instantly killed; and Mr. J. H. Lambdin was seriously and Mr. and Mrs. Harry Winston slightly injured.

On Carter's Lake plantation nine negroes were killed outright and two died on the way to the hospital and nearly a score were injured.

Over in Mississippi, 35 persons were killed at Church Hill, and the list of dead is said to have totaled 85.³⁴²

YELLOW FEVER

We do not know how many yellow fever visitations Concordia Parish had prior to 1871. An old printed proclamation of the New Orleans Board of Health, dated August 23, 1823, recites that yellow fever was raging in Natchez and ordered the establishment of a river quarantine at Arnould's plantation, just below Vidalia.³⁴³

In the *Concordia Intelligencer* of August 20, 1858, there is a lengthy communication from Dr. J. S. McFarland, of New Or-

³⁴² This account drawn from the *Natchez Democrat*, issues of April 25th and 26th, 1908.

³⁴³ Original document, archives.

leans, giving the history of the epidemics in that city up to that time; the ones classed by him as "Fatal" being those of: 1816, 1817, 1818, 1822, 1824, 1841, 1847, 1853, 1854 and 1858. He gives the detailed figures, and in each of these years the mortality there was never less than 1,000. In 1853 the deaths were from eight to ten thousand, and in 1858 about five thousand. The *Natchez Tri-Weekly Democrat* of October 28, 1871, gives a history of some of the Natchez epidemics—those of 1853, 1855, 1867 and 1871, and in each of these years there were more than 100 deaths from the scourge in Natchez. It is hardly probable that Concordia escaped all of these terrible epidemics.

The *Natchez Tri-Weekly Democrat* of October 21, 1871, contains an account of the virulent epidemic that had been raging in Vidalia for some weeks, and gives the names of many Vidalia citizens who had survived severe attacks. It also gives the names of the following Vidaliens who had died up to that time:

Jacob Lorie, Abram Lorie, Mrs. Larry O'Brien, Mrs. Margaret O'Brien, Horace Forbes, Kallie Schiele, Susie Schiele, Jacob Schiele, Sr., Mrs. Dennis, E. P. Collins and son, Jane Coleman, James Doyle, Tom Mackin and Larry O'Brien.

The epidemic persisted for some weeks thereafter and two or three other deaths are reported from it in the *Tri-Weekly Democrat* of Nov. 11, 1871, including also six negroes.

In 1878, there were severe outbreaks of yellow fever in both Mississippi and Louisiana, but Natchez and Vidalia seem to have escaped; and there was none here in 1905, when there was quite an epidemic and several deaths in Natchez.

SOME COLD WEATHER

We believe that the coldest weather in Louisiana known to history was that of 13th of February, 1784, when thermometers in New Orleans fell to two or three degrees below zero, in a closed room where fire was kept, and the whole bed of the river there was filled with ice floes from 12 to 30 feet in surface and two or three feet thick, and all communication across the river was interrupted for three or four days. According to Weather Bureau records, the coldest day since that time was Monday, February 3, 1899. The *Natchez Democrat* of the next day reports that the thermometer stood at zero, and in J. N. Carpenter's office it

registered $11\frac{1}{2}$ above. The paper further says that in 1805 the minimum at Natchez was three degrees above; and it also notes that "the river is full of ice."

AN INTERESTING FAMILY

This chapter should not be concluded with a series of calamities. Concordia has had many interesting families, but other than as noted elsewhere in this book, we have space to mention only one. Shortly prior to the Civil War, Don Antonio Yznaga del Valle—Americanized as Yznaga—married Ellen Clements, daughter of a Mississippi river steamboat captain. Miss Clements inherited from her parents the Consuelo and Ravenswood plantations, on Lake St. John, in Concordia and Tensas Parishes, and there they made their home, spending much of their time in the East, where their children were educated and where they were socially prominent. There were four children: a son Fernando, and three beautiful daughters, Emily, Consuelo and Natica. Consuelo married Lord Mandeville, later the Duke of Manchester, and their son, Lord Mandeville, who succeeded to his father's title, married Miss Zimmerman, of Cincinnati. Natica married Sir John Lister-Kaye. Mr. Yznaga died in New York many years ago, and his son also, the widow surviving them many years. Mrs. Yznaga died in Natchez in 1908, having bequeathed her Lake St. John properties to the late Edward C. Rhodes, who was living there at the time of his death. Mrs. Yznaga spent the closing years of her life at Ravenswood—theretofore the scene of much gayety and many elaborate social functions—in comparative loneliness and seclusion.

CHAPTER XXII

CONCORDIA IN THE WORLD WAR

CONCORDIA PARISH is proud of her record in the World War. At all times there was enthusiastic and patriotic cooperation by our entire citizenship. Liberty loan and Red Cross quotas were all over-subscribed. The women of our Parish rendered a full measure of service with their knitting and sewing. Every assistance was rendered the Federal Food Administration, and in the preparation of draft questionnaires. The author is glad, however, that only a few of our boys "Sleep where poppies grow."²⁴⁴

²⁴⁴ This chapter compiled from original permanent records of the Concordia Posts of American Legion. Detailed records on file.

The following Concordians served as commissioned officers: Captains: John Dale, Jr., and John B. McCearley. Lieutenants: Mark Boatner Bowman, Sam H. Calvert, Charles M. Crooks, William G. Jackson, Robert Rogers Reeves and Roy K. Rhodes.

Concordia's non-commissioned officers and privates (white) were:

Leon P. Abernathy, Clarence Albright, Sylvester Aldridge, John J. Barker, Isaac C. Beard, Sam D. Beard, Franklin D. Black, Marshall E. Blalack, Joseph O. Boles, Blanchard Bonnette, James L. Bonnette, Geo. Bounds, Jas. M. Bounds, Geo. A. Brooks, Alex P. Broussard, Arthur C. Brown, Oliver S. Brown, Richard Lewis Brown, Zeno Bryant, Enos H. Burley, Marion C. Burley, Albert B. Campbell, Clay P. Campbell, Dewey S. Campbell, Herbert Campbell, William B. Campbell, Joseph I. Cater, John F. Cerniglia, Charles A. Charrier, Arthur E. Chauvin, Dan L. Clifton, Dave Collins, Joseph N. Conklin, Eddie Coston, Albert R. Couch, Marion W. Cross, James L. Curry, William M. Curry, Lessly D. Dale, Robert Hill Davis, Otis Duncan, Glynn B. Edwards, Thomas T. Edwards, William H. Edwards, C. Theodore Falkenhainer, Fred Falkenhainer, William A. Ferrell, Jr., Eugene H. Fleming, Claud D. Ford, Edwin Ford, Foster Gallup, Willie M. Griffin, Wylie S. Griffin, Yuba E. Griffin, Clifton L. Grissom, John S. Grissom, Ocia C. Grissom, Roscoe H. Guss, Horatio B. Hall, Rhoden E. Hallum, Howard Hamilton, Forest Harper, James Gaynor Hart, Sidney Higdon, Walter E. Hinckley, Roswell P. Holland, Columbus E. Jacks, Jess Kay, Manuel Byron King, Herbert S. Knight, Louis Magee, Elliott N. Magoun, Willie Martin, Louis C. Mayeux, Albert E. Melder, Chester Melder, Luther J. Melder, Sidney Moore, Alcide Morace, Harper G. Morace, Octave J. Morace, Mayo Morace, Charles F. Moseley, Andrew Mullens, Marion Mullens, Fred McAlister, William A. Ober, Francis G. Ormsby, Lester F. Osterberg, Joseph Paster-nack, Willie J. Paul, John P. Pecanty, John L. Pickett, James D. Rice, Samuel P. Rice, Clifton M. Ritchie, John L. Rodriguez, Catesby Edwin Schiele, Freemont Scott, Paul Scott, Victor H. Sevier, Toulmin H. Shepard, William D. Smith, Charles M. Stokes, Lemuel J. Stokes, Louis L. Tiffée, Alonzo E. Tumble, Tom Wess Warren, Robin Weatherford, Joe M. White, Oliver N. Wilds, Richard Wilds, Fred Williams, Henry Williams, Arthur C. Worsham, Russell H. Young and Herman D. Zappee.

The following served in the United States Navy:

Charles C. Campbell Jr., Robert A. Evans, David Wilbern Bass, Dunbar S. Boatner, John T. Brent, Alanson M. Burrill, William King Burrill, Samuel L. Calhoun, Clyde Falkenheiner, Harry H. Meng, Stewart Mark Moore, Jesse M. Nelson, Leo N. Nelson, Layton H. Odom Jr., Mike S. Ohlsen, Lawrence A. Phifer, Loy W. Powell, Will Ragland, Guy Ritchie, Percy L. Rountree, Leslie C. Vance.

In addition, the following veterans not accredited to Concordia in the records, have acquired a residence here since the War and are affiliated with our American Legion Posts:

Jesse S. Burris, Boyce Curry (deceased), John F. Dixon, Paul N. Darby, B. A. Hynum, R. E. Lee, Henry J. Purtuit, Leslie Murray, M. M. Thomas and V. E. Zizzi, with the Vidalia post.

George Abat, W. S. Archer, Dr. A. B. Browne, W. E. Barnes, Conrad Burley, Pete Curry, Prof. Caldwell, P. L. Dark, J. O. Daniels, Henry Edwards, Grover Evans, George Galloway, Fred Greer, Ben Green, Howard Henderson, Cleve Hawks, E. N. Howard, C. E. Hunter, A. Hughes, Rev. J. Hamilton, William Harris, W. A. Hall, G. H. Hogue, Glenn H. Holloway, Curtis Hill, Eugene Jackson, Dr. John H. Johnson Jr., Clyde Jones, A. L. Knesel, Honeycutt King, W. F. Keyes, Albert Mayer, C. E. Melson, G. H. Miles, R. C. Murray, Howard Martin, Lee Mulberry, C. S. McClure, Fred Morace, Abner Maxwell, D. Mennen, D. L. Nelson, Alex Ourso, Hanson H. Ourso, C. D. Phillips, Richard Porter, Joe Piro, Lee H. Summerell, L. R. Steele, C. A. Stephens, William Sullivan, J. G. Sullivan, A. E. Torres, E. W. Vogt, A. D. Wagster, Leon P. Wilder, O. V. Wells, J. J. Wiseman, D. A. Williams, and Charles Yancey—all of the Ferriday Post.

Space does not permit giving the detailed service records of all these men, but all of them saw service in training camps and many of them were overseas and quite a number were in action. In the two preceding lists of Post affiliates, there are a number of commissioned and many non-commissioned officers.

In addition to the names given above, Concordia veterans (white) who died in service were:

Philip Adell, Serg't Sec. 7, Group B. Repl. Unit 312 MTC., died in France June 10, 1919, from injuries received from being run over by a truck.

Arthur E. Allingham, 15th Co. 4th Reg. M. Mec. S. C., died Feby. 6, 1919, of bronchial pneumonia.

Joseph Barr, lost in the sinking of the Otranto, Oct. 6, 1918.

Wall Beard, Pv't Co. C, 153rd Inf., died of pneumonia, Oct. 12, 1918. •

Joe C. Gray, residence Eva, Private Co. I, 7th Inf., killed in action July 15, 1918.

Jesse Hillman, Pv't Co. I, 156th. Inf., died of pneumonia, Dec. 21, 1917.

Walter C. McAdams, Pv't Co. C, 4th Corps Artillery, died of pneumonia, Jany. 16, 1919.

Andrew J. McCearley, residence Shaw, Co. D, 18th. Inf., killed in action July 18, 1918.

Joseph H. Sharpe, Pv't Air Service, Sig. Enl. R. C., died Jany. 7, 1918, from aeroplane accident.

Hardy B. Crouch, residence Eva, Pv't Co. B., 4th. Inf., in engagement at Chateau-Thierry and wounded Argonne Forest, July 25, 1918, now deceased.

Robert O. Leopold, severely wounded at Verdun, Oct. 12, 1918.

Stewart Mark Moore, lost at sea June 14, 1918, in sinking of U. S. S. Cyclops.

Guy Ritchie was cited by the Secretary of the Navy for distinguished service rendered on the U. S. S. Sterrett in connection with the rescue of passengers and crew of Japanese steamer Hirano Maru, torpedoed by enemy submarines off the coast of Ireland, Oct. 4, 1918.

The Vidalia Post of the American Legion is "Philip Adell No. 80" and the Ferriday Post is "Gray-McCearley Post No. 148," named in honor of the memory of Joe C. Gray and Andrew J. McCearley.

There were 357 negroes from the Parish inducted into the military service.

In the summer of 1930 Mrs. Juliette B. McCearley, as the guest of a grateful Government, visited a beautiful cemetery in France, where she lovingly placed a wreath on the grave of her son and watered it with a mother's tears. *May this and all our hallowed spots "Over There" remain under the protecting aegis of the Stars and Stripes forever.*

ADDENDA

AFTER this publication was far advanced, through the able assistance of Mr. John A. Green, of Sicily Island, La., now in Washington, this author obtained many valuable records from the Government archives. They include: the "Heads of Families" census of 1810 for Concordia Parish (including Tensas), taken from the original manuscript returns in the Census Bureau archives; a dozen photostats of ancient maps of Louisiana from the Map Department Congressional Library; and photostats from the War Department archives of muster rolls and pay rolls for the 1814-1815 campaign at New Orleans; and Mexican War and Civil War muster rolls. Lack of space forbids publication of these important documents now; but the writer proposes to arrange for their permanent preservation and accessibility. The New Orleans campaign and the Mexican War having been partially covered by the chapter on "Early Military Matters," an abstract of this new data, to that extent, follows:

CAMPAIGN OF 1814-1815

The 10th and 20th (skeleton) Regiments La. Militia appear to have been consolidated into a Battalion commanded by Lieut. Col. William Willis, apparently of six Companies.

Captain Moses Odom's Consolidated Co. of 10th & 20th; John Cameron, 1st. Lieut., Elijah Bass, 2nd. Lieut., Stephen Miller, 3rd. Lieut., Mordecai Baldwin, Ensign, Jesse Nelson, Jacob Segar and William Blunt, Sergeants, William Leake, John Sigmund, James Miller, Samuel Dorsey, Ebenezer Dayton and James Lee, Corporals, and one hundred privates, (named). Most of above and many of the privates are familiar Concordia (and Tensas) names. Date of Rendezvous: A few on Dec. 25, 1814, balance on Jan. 10, 1815. Roll certified by Odom, Captain, and by P. F. DuBourg, Col. & Ass't Adj't Gen'l & Jno. M. Davis, Ass't Insp'r Gen'l.

Captain Elijah Adams' Company: Richard Ratliff, 1st Lieut., Hudson Fabon, 2nd. Lieut., Zacheus Wheeler, Owen Parker and Daniel Daugherty, Sergeants, and Jacob Wind, Corp., and twenty-six privates, (named). "Commencement of Pay: Dec. 25, 1814; Ending of Pay, Mch. 14, 1815." Familiar names on this roll also.

Captain Thomas Neasom's Company: Wesley Chambers, 1st. Lieut., Redding Brown, 2nd. Lieut., Jordan Vick, 3rd. Lieut.,

John Kerr, Jacob Higginbotham, Eli Chann, Jr. and William Dawson, Sergeants, and James Keller, Robert Taylor, John Smith, Vincent Valentine, John Rowley and — Kinnebrew, Corporals, and ninety-nine privates, (named). Commencement of pay, Dec. 25, 1814; Ending of pay, Mch. 22, 1815. Familiar names on this roll.

Captain Samuel Leavens' Company: Benjamin Gaston, 1st Lieut., Zacharia Martin, 2nd. Lieut., Peter M. Williams, 3rd. Lieut., Peter Williamson, Ensign, David McClure, Samuel Barnes, George Mathews, Francis Roycroft and Valentine Dalton, Sergeants, and John Harvey, John Haggerty, Charles Ballew, William Carroll, Samuel Schoolfield, and Martin Doyle, Corporals, and one hundred and two privates (named). "Commencement of Pay, Jany. 7, 1815; Ending of Pay, Mch. 31, 1815." (Names unfamiliar).

Captain John Bill's Company: David McCantes, 1st. Lieut., James Leyssset, 2nd. Lieut., Ephram Davison, 3rd. Lieut., John Gartley, John Pristo, Harris Freman, Instant Hall and Benjamin Mays, Sergeants, and Auguste Richard, Hezeck Kellar, William Burges, Pleasant Harbourg, John Lawrence and William B. Littleton, Corporals, and one hundred and three privates (named). "Commencement of Service, 22nd. (& 25th) December, 1814; Expiration of service": various dates between 22nd. Feby. & 22nd. Mch., 1815. (Names not familiar and some French; probably Rapides company).

Captain D. F. DeArmond's Company: (Pay Roll). No Lieutenants shown. John C. White, Evangeleste Eddard and Beverly Dunn, Sergeants, and Joseph Phelps, Corporal, and thirty-two privates, (named). "Commencement of Pay. Dec. 25, 1814; Expiration of Pay, March 22, 1815." Captain DeArmond was a Concordian; other names unfamiliar.

Staff Roll: "Muster Roll of Field, Commissioned & non-com. Staff of a Batt. of Cons. Companies of La. Militia, in the serv. of the U. S., under the command of Lieut. Col. William Willis, said Battalion stationed on the right bank of the Mississippi from the 25th. of December, 1814, to the 31st. March, 1815"—William Willis, Lieut. Colonel; David Fluker, Major, Willis B. Vick, 1st. Lieut., Adj't., Lewis Sterling, Q. M., John H. Robinson, Surgeon, George C. Berry, Sur. Ass't., Oliver Risley, Sg't. Mjr., William Elliott, Q. M. Sg't. (Names of 8 private servants also on roll). Roll certified by Col. Willis and by Jno M. Davis, Ass't. Insp'r. General.

Besides Concordia, these muster rolls or pay rolls, include the militia from Catahoula, and probably some from Ouachita, Rapides or Avoyelles. It is believed that they arrived in New Orleans after January 8th, and that their service consisted in maintaining the American lines until the belated news of peace reached General Jackson.

MEXICAN WAR

The "*Sparrow Volunteers*." "Muster Roll of Co. E of the 4th, (Montezuma) Reg't. 1st. Brig. La. Mil., Com'd. by Col. H. Davis, ordered into serv. of U. S. by Gov. Johnson, from May 11th to Aug. 11th, 1846." James D. Galbraith, Captain, Wm. W. Wood, 1st. Lieut., Ezra R. Price, 2nd. Lieut., and Robert W. Wood, Alex Cabler, Allen Mardis, Sergeants; and William E. Thornberry, James McCauley, John Campbell and Henry P. Postlethwaite, Corporals, and fifty-seven privates, (named). Mustering officer, Lieut. P. G. T. Beauregard. Paymaster of the Reg., C. N. Rowley of Concordia. Following men discharged at Matamoras, Mexico, July 30, 1846, by order Gen'l Taylor, for re-enlistment for further service in other commands: Samuel C. Scott, Serg't., and Privates William McConchie, William W. Alsberry, David A. Cully, Francis B. Flores, Peter Kearney, Levy McMullen, James M. Sullivan, Emile Leonval and Robert H. Clements. Private Peyton G. Organ died at Brasos San Jago, June 10, 1846.

The day the Company left Vidalia, a public reception was held, and a flag donated by the ladies of Vidalia was presented to the Company by Professor Caleb G. Forshey, who made an eloquent speech—*Natchez Weekly Courier* of May 12, 1846.

"Muster Roll of Captain Richard J. Lawrence's Co. E. of the 5th. Reg. Brig. of La. Mil., Com. by Col. Bailie Peyton, ordered into serv. of U. S. by Gov. Issac Johnson, from 21st. May to 17th. August, 1846"—R. J. Lawrence, Captain, Edgar D. Farrar, 1st Lieut., Thomas Alexander, 2nd. Lieut. and James A. Buck, Daniel F. Sayres, Jacob Peebles and William M. Jones, Sergeants, and Samuel W. Wickwire, James L. Hayes, Isaac H. Henderson and Samuel B. Oswalt, Corporals, and fifty-seven privates, (named). Mustering officer: Captain Van Horne. Privates John Smith and John Kellard died at Burita, June 15th & June 19th. This was a Concordia-Tensas company and there are many familiar names on the roll. Its departure from Vidalia is noted in *Natchez Weekly Courier* of May 20, 1846.

CONCLUSION

In concluding this history the author parts with a child of his brain that is now to be left to the tender mercies of the future. As a pioneer in this field his work may be criticised by those who would prefer more sentiment with their facts, but it is a nice question whether romance has not been overdone in the compilation of the history of Louisiana. The point of view from which the author worked was to preserve the sources of the History of Concordia and he has diligently sought these and he believes his work to be accurate and in any event, the best that can be attained at this time; others may find here the material upon which to build a different story. In the meantime, the author feels that he has in some manner repaid the debt he owes to the community of which he has been almost a lifelong member. The youth of Concordia Parish who are now fitting themselves to enlist in the cause of its social, moral, educational, civic and material advancement may, perhaps, find in these pages something in the way of inspiration. In the impatient hurry of this "Machine Age" may they not fail to appreciate the efforts of those who broke the ground and sowed the seeds, and who, in the face of adversity, moved steadily, though more slowly, forward.

And may they always bear in mind that Concordia means land of harmony.

THE END.

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RAPIDES PARISH, LOUISIANA—A HISTORY

By G. P. WHITTINGTON

SIXTH INSTALLMENT

(Continued from October, 1933, Quarterly)

CHAPTER X⁵⁶

SCHOOLS AND SCHOOL TEACHERS, 1800-1860

THE education of the youth of this section was met in several ways with a certain degree of success. There was for primary education in the majority of cases the private tutor, employed by some successful planter to teach the members of his family. This man was permitted to teach a few other pupils the children of some neighboring planter of more moderate means or who had but one child to educate. These tutors lived in the home of the planter who also supplied the necessary room or building for the school house. This class of school continued to exist throughout this period.

Another means of education was the semi-public school—the school that was given a certain maintenance from the state government, the remainder of the compensation was made up from the tuition paid by the parents of the children. The principals of these schools were permitted to take some of the children into their homes as boarders and in this way further compensation was derived. Examples of these were the College of Rapides, Alexandria Academy, its successor and the Spring Creek Academy.

The third class was the strictly private school conducted and maintained by some individual for profit, where a fixed charge was made for board and tuition. There were schools of this class for boys and girls. These were Rapides Institute conducted by Luther F. Parker, Guion's Academy for girls, the school of Dr. Meyer and his wife, Diggs' Academy and others.

The legislature of the Territory of Orleans in 1805 passed an act looking to the establishment of an educational system in this

⁵⁶ The Quarterly regrets the failure to correct a typographical error in the installment appearing in the October, 1933, issue of the Quarterly, where Chapter VIII is erroneously recorded III.

country. It provided for a college in New Orleans with a board of regents who were to have charge of the educational matters of the entire territory. These regents were charged with the duty of establishing Academies in every parish in the territory at the very earliest possible date. Lotteries were to be held to acquire the necessary funds to erect and equip the necessary buildings for this new institution.⁵⁷

The first act of the legislature passed for the schools in Rapides, was in the year 1808, and provided the parish judge of Rapides should appoint "a jury of not less than twelve or more than twenty four inhabitants, proprietors and father's of families whose duty it shall be to determine the mode and place and amount of tuition money, for the education of the youth, in the manner which to them shall appear most convenient."⁵⁸ This act further provided that out of this jury, five should be selected as trustees of the schools. We have no record of the jury selected by the judge or the trustees selected by the jury, or just what steps were taken to put this act into effect or what provisions were made for the schools.

Another act was passed in 1811, by the Territorial Legislature appropriating a sum of money to assist in the erection of a school house within the parish of Rapides, at a point to be selected by the Trustees. In keeping with the terms of this act a school house was erected in the pine woods on the north side of Red river, but the location was so inaccessible to the majority of the children of school age that it was never used as a school house, and later was sold as a private residence.

Another act was passed by the Legislature in 1818 to authorize the sale of the school house above referred to and the use of the money in helping to erect a building in a more suitable location. The committee authorized to carry out the provisions of this act were Josiah S. Johnston the district judge, Thomas C. Scott a member of the house of representatives and John Casson the State Senator. This committee sold the property on the north side of the river and bought or built a building in what was then the lower part of the town of Alexandria, or to better locate the site, the square bounded by Front, Fulton, Winn and Second streets. It has been described as "a large ugly mixed

⁵⁷ Act approved April 19, 1805.

⁵⁸ Acts of the Legislature of the Territory of Orleans 1808, p. 20.

brick and wood building, tolerable commodious and comfortable." A further appropriation was made in 1818 of three thousand dollars to assist in the building or acquiring of this school house. This building in time became the home of the College of Rapides and its successor the Alexandria Academy.⁵⁹

To carry out the idea of a college in the parish, the legislature in 1819, incorporated the "Trustees of the College of Rapides."⁶⁰ The men named as the incorporators seem to have been selected from among the most representative citizens of the parish, lawyers, doctors, merchants and planters. Some were from the town of Alexandria, others from the country immediately around it and others from the Bayou Boeuf and Cheneyville section. From among the lawyers we find Judge Josiah Stoddard Johnston, born in Connecticut but educated in Kentucky; Thomas C. Scott and his brother Charles J. Scott, natives of Virginia; William Murray was the senator and shortly destined to become the judge to replace Johnston. He was a native of Maryland. The Doctors were represented by Dr. Robert H. Sibley and Dr. John Rippey. The merchants of Alexandria contributed Pleasant H. Hunter, William Leonard and John Casson. The planters who lived immediately around the town, to be found on the board were Horatio Sprigg, David Yeisser, Smith Gordon, James H. Gordon and Pierre Bailio. From the Cheneyville section came John Taylor, John Compton, William F. Chaney, and Robert Tanner. William Miller who lived on Bayou Boeuf was another and with Richmond E. Cuny the clerk of the Court made up the membership of the incorporators. These men were all men of more than ordinary education and stood of the best in their sections and were deeply interested in giving the youth of this parish the best in the way of education that could be had.

At the first meeting of the Trustees, Judge Johnston was elected president and Cuny became the secretary. The necessary building having been acquired, the next thing to be done was to obtain the services of men of education and training to carry on the work in hand. The choice of men to fill the positions of principal of this school in its early days seems to have fallen to the ministers. The three that preceded the Reverend Timothy Flint were Presbyterian Ministers. The names of the first two have been lost the third was the Reverend Hezekiah Hull, who

⁵⁹ See acts of 1818-1819 under Rapides College.

⁶⁰ Acts of 1819, p. 104.

in 1821 was employed with William Gunning to conduct this institution. Hull and Gunning taught in 1821, 22, and 23. In 1823, Mr. Hull was one of the victims of yellow fever. Gunning continued with the school until some time about 1830.

The state contributed eight hundred dollars per year to the maintenance of this school until 1833, when an appropriation of one thousand dollars per year for a period of ten years was made to the Academy in the town of Alexandria. From that date the name of the school seems to have been changed from the College of Rapides to the Academy of Alexandria.

In 1834, the legislature approved what had been the custom for several years past, of permitting the school to be removed to the pinewoods for the months of June, July, August and September of each year. The only restriction was that it must be within three miles of the town of Alexandria.

The death of Mr. Hull left a vacancy in the position of principal and in seeking a successor it was learned that a preacher who had had the experience of teaching could be found in the person of the Reverend Timothy Flint. The committee of the Trustees journeyed to New Orleans where Flint was temporarily staying and offered him the principalship of the school, which he accepted.

Timothy Flint was born in New Reading, Massachusetts in 1780. He attended Harvard College from which he was graduated and then he studied for the ministry and was ordained to preach. For a number of years he was the pastor in charge of the church at Lunenburg, Mass., but his ideas and doctrines did not meet with the approval of his congregation, with the result that Mr. Flint resigned his charge and started on a journey west as a missionary preacher. He had married Miss Emeline Hubbard and at the time of his severing his connections with his congregation and his old home he was the father of three children, namely Micah Peabody, Emeline and Ebenezer Hubbard Flint. His travels lead him through New York, Pennsylvania, Ohio, Indiana, Kentucky and Illinois where he stopped from time to time to preach and teach. He next moved into Missouri and for a time made his home at St. Charles where he engaged in farming, organized a church and taught a school that he was sponser for. His next stop was on the St. Francis river in the state of Arkansas. Here he contracted a swamp fever, the results of which he was

never able to successfully overcome, and there also he lost a child that had been born since leaving Massachusetts. Going back to Missouri he entered into an agreement with another traveler and the two with their families floated down the Mississippi to New Orleans, in a flat boat. For a time he preached in the Presbyterian churches of that city but when summer came he was advised to go over the lake to spend the heated term, and we next find him teaching and preaching in Covington and Madisonville. In the winter he again returned to New Orleans where he was engaged in preaching and had been offered a regular charge, when the committee from Rapides met him and prevailed upon him to accept the position as principal of the local school.

In the winter of 1823 or spring of 1824, the exact time seems to be unknown, Timothy Flint and his family which now consisted of his wife and five children, (James Timothy and Martha were born in Missouri,) took passage on the steamboat *Spartan* for their future home, Rapides parish. Flint said "the legislature has made as munificent appropriations for the advancement of literature, according to her population, as any other state in the Union." At another time he said that the compensation paid teachers was better than that of the state of New York. He was disappointed in not finding a single protestant minister with whom he could talk, and also in the fact that most of the people thought only in terms of cotton, corn and money.

Shortly after he came to his new home he found congenial friends among the lawyers of Alexandria and specially in Judge Henry Adams Bullard, a graduate of Harvard, a son of a minister, of Massachusetts and one of the ministers who had been present at the ordination of Flint. They owned summer homes in the pine-woods north of the river, that adjoined and a close and lasting friendship was formed. It was on the story told by Bullard of his experiences in Mexico that Flint founded his so called novel *Francis Berrian or a young Mexican Patriot*.

The school was opened for the term of 1824 with the Reverend Timothy Flint and William Gunning in charge, the following notice was printed in the newspapers of Alexandria:

NOTICE

"The subscribers take leave respectfully to inform the public that they are jointly employed by the Trustees of the College of Rapides, as Instructors of that Institution. They teach all the elementary branches together with Latin, Greek and French Languages, with the use of Globes, History and Elocution.

The writing department is superintended by Mr. Gunning and that of Languages by Mr. Flint, who will shortly be fitted to receive a number of pupils as boarders, who can, if desired retire with him into the pinewoods. The Misses will be under the care of Mrs. Flint, who will teach plain and ornamental needle work. Music and painting will be taught if sufficient encouragement be given. They pledge themselves to watch with unremitting diligence over the comfort, health and improvement of their pupils.

T. FLINT,
WM. GUNNING.

During the summer Flint's health became such that his physician advised that he leave Louisiana and see if he could not regain it. He went to his old home in Massachusetts and remained until the fall of the year, when he returned to Alexandria and took up the work of teaching, and taught until the fall of 1825. The school would be moved from the college building in Alexandria to the summer home of Flint in the pinewoods a few miles back of the present town of Pineville. It would appear that during the year 1826 Flint severed his connections with the college, for in the month of October of that year we find an advertisement of Mrs. Timothy Flint announcing that she would conduct a school for the "Misses at the old Wilson Home on Front Street, in Alexandria." This location I have not been able to definitely establish.

Gunning continued the school for the year 1826-27 and the following year had as his associate David L. Edwards. This arrangement continued until 1833, when Edwards left Louisiana for Texas. Edwards wrote a history of Texas, that is now quite a rare item on the list of Texas collections. On the title page of this little book he styles himself "Formerly Head Master of the Alexandria Academy at Alexandria, La."

This school continued with a certain degree of success until somewhere between 1845 and 1850 when it gave place to the various private schools that came into existence and to which we shall later refer.

Flint left Louisiana after severing his connections with the school and lived for a while in Cincinnati, where he engaged in editing a magazine and carrying on a book business. He was a voluminous writer. His wandering before he came to Alexandria resulted in his *History and Geography of the Mississippi Valley*, *Recollections of the Last Ten Years passed in the Mississippi Valley*, a *Life of Daniel Boone*, and several so called novels. The manuscript of the *History and Geography of the Mississippi Valley* was supposedly prepared while he was a resident of this section. The *Recollections* are dated Alexandria 1824, although some think it was written while he was in New England on one of his trips. The Novel "Francis Berrian" was the result of the stories told by Judge Bullard. There was supposed to have been a continuation of the recollections, but the manuscript has never been found. However, he did write journals of short trips that he made at different times.

When Timothy Flint went to Cincinnati he left in Alexandria his oldest son Micah Peabody Flint, a promising member of the bar. The wife and the four other children went to Cincinnati where they resided until 1834. In that year, Micah Flint died. His wife died first, then his two children and then Micah himself. His property consisting of Lunnenberg Plantation, between Cheneyville and Lecompte, now became the property of Timothy Flint, his wife and children. Along with the plantation went the numerous slaves and Timothy Flint who had lived in the hot bed of abolition now became a slave owner.

This brought the Flint family back to Rapides, where they continued to make their home. Mr. Flint wandered around the country, visited Cuba, part of Europe and all of the United States east of the Mississippi valley. In 1840 he journeyed back to the land of his birth and died at Salem, Massachusetts, where his ashes now lie. His wife unknown to him had died a few days prior. All of his children found resting places in the old Rapides Cemetery.⁶¹

Another of the state assisted schools was the Spring Creek Academy. It was chartered by the legislature in 1837.⁶² It was located on Spring Creek near the Calcasieu River and drew its

⁶¹ Authorities consulted and used. Flint (T.) *Recollections of the Last Ten Years in the Mississippi Valley*. Louisiana Herald for 1822 to 1824. Louisiana Messenger, 1826. Kirkpatrick (J. H.) Timothy Flint, Pioneer, Missionary, Author and Editor; Papers of the Flint family.

⁶² Act of 1837, p. 115.

students from among the people of that section and around Cheneyville and the bayou Boeuf territory. The incorporators named in the act were Robert L. Tanner, Thomas Hughes, Thomas Blackwell Dunham, Joseph Walker, Joseph H. Boone and Hadley P. Roberts. The act provided that the school should be located "at some healthy point on Spring Creek in the bayou Boeuf pinewoods. It further provided "they shall not make the religious tenets of any person a condition of admission as a teacher or student into said Academy."

The first appropriation made this institution was to be \$1500 per year. Later an appropriation of \$5,000 was made to enable them to erect the necessary buildings. One of the best known teachers of this institution was Michel Ryan who came to this parish to serve as its professor of languages, the principal was Jos. E. Eastburn, his wife and four other assistants. William P. Ford became the president of the board of trustees; A. C. Kirkpatrick, secretary; Henry Jackson, treasurer; Dr. J. D. Wright, Hadley P. Roberts, R. R. Irion and Joseph H. Boone, Sr., were the other members of the board. All residents of the Cheneyville section. This school continued to be a decided influence in the educational affairs of the parish until the War Between the States, when it suspended and was never able to again operate successfully.

The Rapides Institute, or Parker's Boys School, was organized in 1851. It was strictly a private school. Luther F. Parker was the principal and proprietor. It was located on the north side of Red river about three and a half miles from Alexandria. The teachers aside from Parker consisted of William Groves, Egbert Phelps and Henry Pourche. The student body was made up of the sons of the business men and planters of central Louisiana. Many of the leading citizens of this section of the period just after the war obtained their primary and high school education at this school. It had the reputation of being one of the best institutions of its class in Louisiana. With the coming of the State Seminary the school was compelled to discontinue and Parker the principal became a lawyer in Alexandria. He was one of the editors of the Douglas Journal in 1860. At the beginning of the war he was an ardent state rights man and advised withdrawal from the Union. In 1864 he took the oath of allegiance to the United States Government and followed Banks' Army to New Orleans. There he lived but a short time dying of consumption.

The old school building was converted into a factory for the making of clothes for the slaves. A cyclone in 1861 wrecked it and the remains were consumed by fire. Prior to the Parker school the Reverend William Groves conducted a school in the pine woods back of the present Pineville. It suspended in 1850 and Groves became one of the professors of the Parker Institution.

Other schools of various merit were known as Diggs' Pine Grove Academy located about seven miles from Alexandria on the Natchez road. George Purdue Diggs was the principal. Later Diggs and his wife operated a school in the "Old Wilson home on Front street in Alexandria" for young ladies. The location of this school has been fixed as the square where the La. & Ark. Ry. now has the end of its bridge.

In the Cotile Pinewoods there were two schools for girls, one of these was the Rapides Female Seminary conducted by the Reverend Elijah Guion. The location of this school was given as the summer home of Mr. Whitty M. Sasser. Another was conducted by Dr. and Mrs. Meyer in the same section of the parish. It seems that the logical places for the schools of this section were thought to be in the pinewoods. There the health conditions were considered to be very much above those of the low lands. The planter and business man who could possibly afford to do so sent his wife and family to a summer home in the pinewoods to spend the summer months. It was usual for them to take along the young negroes leaving only the grown workers at home.

The first mention of a public school in Alexandria to be found bears date of 1860, with John Flanigan in charge. This seems to have been the first real free school in the parish.

The Catholic Church entered the field of elementary education by the establishment of a school for boys by Father J. G. Bellier, the parish priest. He had been trained in the cavalry of France before entering the priesthood and had reached the rank of Lieutenant. His pupils came from all creeds, Jews and Gentiles alike. Mr. Jonas Rosenthal said that he attended this school and that it was excellent. The good Father was never able to entirely forget his military training and he was wont to run his school with strict military discipline. It was opened in 1857 and continued a successful career until it was closed by necessity during the war.

The sisters of the Daughters of the Cross came to Louisiana in 1854 and established a convent in Avoyelles Parish midway between Marksville and Mansura at what was known as Cocoville, this convent was moved to Marksville and has continued its useful work until this day. At the solicitation of the Catholic priest and his congregation, this order of sisters sent one of their number with a lay teacher to Alexandria to open a school in 1858. This had a very successful but short career, for the hardships of the war of 1861-65 compelled it to close during the war and it was never re-established due to the fact that the congregation did not consider that they could properly support the efforts of the sisters. This ended Catholic church school for a number of years, in fact until 1872, when another unsuccessful attempt was made to establish a convent in Alexandria for the education of girls.

THE LOUISIANA STATE SEMINARY

For some time the question of the location of a state school had been agitating the minds of the officials of the State and during the session of the Legislature of 1847 the matter was presented to the House and Senate and the location of the establishment was referred to the committee of education of the House of Representatives, with instruction to report back to the next meeting of the legislature. North, East, South and West Louisiana wanted to be the favored section. Ft. Jesup wanted the school. So did Marksville, Opelousas, the Florida parishes and in fact so many applied and the question became so snarled that the selection of a site had to be abandoned for the time being. In 1848 a committee of three were appointed to decide upon the territory in which the school should be located, this committee was composed of P. W. Roberts, W. Aikenhead and J. F. H. Claiborne. On the 14th of March, 1852, it was decided to locate the school in the parish of Rapides. On the 17th of the month the location in the pinewoods on the north side of Red river was agreed upon and before the Legislature adjourned a bill was passed providing for the organization of the "Seminary of Learning of the State of Louisiana." This bill was approved on March 31st, 1852 by Governor Walker, who was a resident of the parish. The site selected by the committee composed of R. H. Sibley, Henry Jackson and J. P. Davidson belonged to Mrs. E. R. Williams. It was the seat of her summer home in the pinewoods and the committee was

ordered to purchase it for the sum of \$3190. This location is now the site of the Veterans' Bureau Hospital near Pineville. The organization of the institution was authorized and proceeded slowly, for it was not until March 17, 1857, that a commission was appointed to select a president and provide for the erection of the necessary buildings.

The first Board of Supervisors consisted of the following: Governor Thomas O. Moore, governor of Louisiana, president; General George Mason Graham, vice president; Thomas Courtland Manning, Neal Davidson, Michael Ryan, Dr. S. A. Smith, J. A. Bynum, Ralph Smith Smith, S. W. Henarie, William L. Sanford, Colonel Walter O. Winn, G. Baillio, P. F. Keary, W. W. Whittington, Colonel Fenelon Cannon, John H. Ransdell, Henry Avery, D. C. Goodwin and William B. G. Egan.

The majority of these men were residents of the parish. General Graham was a West Pointer, had lived in Rapides for a number of years on his "Tyrone" Plantation on Bayou Rapides; Sanford and Whittington were his plantation neighbors; Michael Ryan and T. C. Manning were lawyers of the local bar; Dr. S. A. Smith succeeded Governor Moore as the state senator from this parish; J. H. Ransdell came to Rapides to edit the Red River Whig, but abandoned newspaper work to become a cotton planter; R. S. Smith was a New Englander who came to Rapides as an engineer to build the Red River Railroad, the first railroad in the parish and which extended from Jackson street to Cheneyville; Jesse Atherton Bynum had been a Congressman from North Carolina, was then a planter living in what is now Grant Parish; Sam W. Hanraie was a merchant, planter and liquor dealer in Alexandria. Davidson, Keary and Baillio were planters, Winn was one of Alexandria's best known lawyers and for whom Winn Parish was named. Egan became a famous lawyer of Shreveport, Avery was the superintendent of education, and Cannon was from the parish of Avoyelles.

General Graham was the chairman of the committee empowered to select a superintendent for the institution and to let the contracts for the necessary buildings to house the school. He was practically the superintendent of construction. The contract for the erection of the buildings was let to Mr. Ben Cooper who brought his slaves from Kentucky to do the work. The bricks

used in the construction of the building were made on the grounds of what was to become the location of the school.

In 1859, Governor R. C. Wickliffe as the governor of the state and ex-officio president of the school advertised in the principal papers for a superintendent and the needed professors. A number of applications were received and from these applicants Col. William T. Sherman was selected to head the seminary. Sherman was a graduate of West Point, served in the army, seeing service in California. He resigned from the army, tried the practice of law and then became a banker. At the time of his selection as the head of the school he was out of employment. His salary was fixed at \$3500.00 per year. Sherman came to Louisiana and assisted in getting the seminary ready for the first term. The other professors were Anthony Vallas, Ph.D.; Francis W. Smith, A.M.E.; Bertie St. Ange and D. F. Boyd, A.M., and Powhattan Clarke.

The first session of the school began on the 2nd day of January 1860, with some thirty five or six cadets present. This number gradually increased until there was some seventy odd. This was the beginning of the present State University.

Louisiana having seceded from the Union Sherman tendered his resignation in January, 1861. The story of the school during the war amounted to little for most of the cadets resigned to enter the Confederate Army (one joined the United States Navy), the school buildings were used for a time as a hospital and during 1864 was badly damaged while in the possession of the Union Army.⁶³

⁶³ See Hardin's paper Fort Jesup, Fort Seiden, Camp Sabine, Camp Salubrity, Four Forgotten Frontier Army Posts of Western Louisiana, by J. Fair Hardin, *La. Hist. Qy.*, Vol. 16. Also the same author's *The Early History of the Louisiana State University*. *La. Historical Quarterly*, Vol. 11, No. 1, pp. 5-31, January, 1928.

(To be continued)



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THE INTERREGNUM IN LOUISIANA IN 1861

The Course of Events in the State from November,
1860, to April, 1861.

By LANE CARTER KENDALL, M. A.

FOURTH INSTALLMENT

(Continued from October, 1933, Quarterly)

CHAPTER V.

THE CONVENTION AT WORK

WHEN THE Convention passed the ordinance which withdrew Louisiana from the Federal Union, few, if any, of the delegates had apparently given much thought to the complications which would arise from such action. It was then an axiom of our governmental system that the people do not come into immediate contact with our national government, yet we forget the many functions of that body on which we are dependent, and which go on, seemingly, without any supervision. One such service is that of the post office. If that division of the government were suddenly to be abolished, our business houses for one thing, would be obliged to curtail their activities to a considerable degree. The secession of the state from the Union brought up the question of the postal arrangements within the boundaries of the new nation. A standing committee had been created for the purpose of considering what should be done with regard to this matter, and on February 11th its report, in the form of an ordinance, was introduced for consideration. A very oratorical preamble, in which it was stated that Louisiana would not prevent the performance of pending contracts, was rejected, possibly as being unnecessary and, in any event, rather too optimistic to be admitted as part of the laws of the state.

As finally adopted, the postal ordinance read:

Be it ordained by the people of Louisiana in Convention assembled, That the existing postal contracts and arrangements will not be interrupted by the State of Louisiana,

and the persons charged with the duties thereof, may continue to discharge said duties until a Postal treaty or treaties shall be concluded, or until otherwise ordered by this Convention, or by some other competent authority.¹

Another complication which had not been foreseen was the fact that many of the state laws depended on the federal judicial system, and therefore a great many of them would have to be changed to fit the new conditions. The committee in charge of such work, under the direction of Tappan, called up the ordinance which it had reported some time previously. It was considered section by section, being finally adopted in the form given below:

An Ordinance Concerning Crimes and Offences under the Laws of the late Government of the United States:

The People of the State of Louisiana in Convention assembled, so declare and ordain, and it is hereby declared and ordained, as follows:

1st. That all laws of the late United States of America in force in this state on the 26th day of January A. D. 1861, defining crimes and offences and providing punishments for the same, are hereby re-enacted and adopted as laws of the State of Louisiana, except such laws as define and punish treason against the late Government of the United States and such other laws as are inconsistent with any of the Ordinances of this Convention.

2nd. That all prosecutions for said Crimes and offences shall be carried on in the name and by the authority of the state of Louisiana, and conclude "against the peace and dignity of the same."

3rd. That all prosecutions for said crimes and offences shall be carried on in the Courts adopted by this Convention under an Ordinance entitled "An Ordinance concerning the Circuit and District Courts established in the State of Louisiana by the late Government of the United States" and in accordance with the jurisdiction therein defined.

4th That all judgements of the Courts of the late United States in this State, heretofore rendered, condemning under said laws, any person to punishment shall remain in full force and effect: and all persons now in custody in any prison or the penitentiary of this state by virtue of said judgements shall remain in custody until the full and complete execution of said judgement unless sooner discharged, as hereinafter provided

¹ *Journal*, p. 119.

5" That the power to grant reprieves and pardons for said crimes and Offences, heretofore belonging to the President of the late United States, is hereby conferred upon the Governor of this state with the approval of the Senate.

6" That no Ordinance passed by this Convention shall operate as a discontinuance of any prosecution already commenced under the laws of the late Government of the United States; and the same shall be continued, prosecuted and punished in the same manner as if no alteration had been made in the form of government merely changing what ought to be changed to conform to the present ordinance.

7" That the Legislature shall have power to amend, alter or abolish any of the provisions of this Ordinance.²

In addition to the legal complications following upon secession, there arose a new different but no less serious question. Louisiana, lying on the Mississippi river, was peculiarly subject to invasion. To an enemy, the possession of New Orleans and the right bank of the river would be invaluable, as all the commerce of the vast region lying above the Crescent City would thereby be stopped, such an economic strangle-hold, held for only a short time, would bring the entire section to such terms as the occupant of New Orleans might see fit to impose. This consideration made the Convention a bit apprehensive. The report of the committee on commerce and navigation, which dealt with the matter of invasion by sea, was considered and adopted with only slight changes:

We, the people of the State of Louisiana, do declare and ordain, and it is hereby declared and ordained:

1st. That any Pilot or Branch Pilot holding a license or Commission under the laws of this State or any other person who shall conduct any armed vessel belonging to the Government of the late United States into either of the Mouths of the Mississippi River or into the Atchafalaya River or up either of said Rivers or into any Bay or Bayou heading into the interior of this State, shall be subject to indictment in the First District Court of New Orleans, and upon conviction, shall be fined not more than one thousand dollars and be imprisoned at hard labor not less than five years nor more than ten years: provided, however, that the Governor of this State shall have the power to suspend the operation of this Ordinance whenever he may deem it advisable.

² *Ibid.*, p. 121-22.

2nd. That the Governor of this State is hereby empowered to cause all buoys and beacons in the Channels leading into the Rivers above mentioned, and all landmarks that may served (sic) as guides for vessels entering said rivers, to be removed whenever in his opinion the public safety may require such removal.

3rd. That the Governor of this State is hereby authorized and empowered to remove any Pilot or Branch Pilot from office whenever he may have good cause to suspect his fidelity to the State of Louisiana.

4". That the General Assembly of this State is hereby authorized and empowered to repeal or modify this Ordinance.³

In spite of the opposition to Slidell and Benjamin manifested when their names were proposed for the delegation to Montgomery, the convention felt that a certain amount of deference was due to them as former United States senators. When it was known that they would be in the city, a motion inviting them to seats on the floor of the convention was passed.

John Robertson, the accredited representative of the state of Virginia to the state of Louisiana was also invited to have a seat upon the floor of the convention. He was called upon to speak when he was introduced to that body on February 12th.

After seizing the Mint and subtreasury of the United States, the convention seemed to believe that there was an inexhaustible fund of money for it to expend. The record of appropriations voted thereafter shows considerable extravagance. It should be said, however, in justice to that body, that many of its disbursements were made to honor drafts signed by the Secretary of the Treasury of the United States, and were in payment for services rendered to this state. One item which seems to be rather excessively generous is the resolution offered by Bienvenu to the effect that

the sum of twenty five dollars be allowed to C. A. DeArmas as a compensation for having made and painted the original drawing which was used in making of the flag adopted by this Convention as the flag of Louisiana.⁴

When it is considered that the flag was not very elaborate in its design, the sum of twenty-five dollars for making the drawing, and then painting it is considerable.

³ *Journal*, pp. 123-24.

⁴ *Ibid.*, p. 127.

True extravagance did not rear its head until later in that day. But when it did, the distribution of money was done with a good deal of recklessness. The chairman of the committee on finance and contingent expenses, Garner, reported the following resolution:

Resolved, that the Salaries and emoluments of the Several Officers of this Convention be and the same are hereby fixed as follows: Viz:

Secretary, for services rendered and to be rendered as Secretary of this Convention \$2000, one half of said sum payable in advance.

Assistant Secretary, for services rendered and to be rendered, one thousand dollars, one half of which payable in advance.

Second Assistant Secretary, ten dollars per day.

Sergeant-at-arms, for services rendered and to be rendered, twelve hundred dollars, one half of said sum payable in advance.

Translating Clerks, ten dollars per day.

Warrant Clerks, eight dollars per day.

Journal Clerks, Enrolling Clerks, Postmaster, Assistant Sergeant at arms, and Door Keeper, five dollars each per day. Pages three dollars each per day.

Be it further resolved, that the sum of twenty five dollars be paid to J. Korwin for services rendered in enrolling on parchment the Ordinance of Secession.⁵

These amounts were far in excess of the value of any possible service rendered by the individuals concerned.

For some reason not ascertainable today, the services of the various temporary officials, who served only during the organization of the convention, were esteemed of the highest value. The permanent establishment was set up during the first day, and all these persons discharged from their duties by that night. Yet this resolution was adopted, when reported by the committee on finance:

Resolved, that J. H. Peralta, Sergeant-at-arms of the House of Representatives and William Fletcher, Door-keeper be allowed the sum of \$25 each and Alexander Taylor, Assistant Sergeant-at-arms be allowed \$12.50 for their services in the respective capacities in the organization of the Convention.⁶

⁵ *Ibid.*, p. 130.

⁶ *Ibid.*, p. 131.

These resolutions were characteristic of much other similar legislation adopted by the Convention, which was anxious to see that all of its friends had a share in the spoils. We shall see later how this generosity was extended to include the "gentlemen of the press," whose activities could not by any extension of the words, have been of benefit to the public service.

In addition to fiscal resources, Louisiana was the possessor of a large amount of unappropriated land, classified as "public domain." This was the cause of considerable agitation, in the Convention and a great deal of discussion ensued. The matter was finally settled by the passage of the following

Ordinance Relative to the unappropriated domain in the State of Louisiana:

Be it ordained by the People of Louisiana in Convention assembled,

1st., That all the unappropriated domain within the limits of the State of Louisiana is of right the property of the State; and that the title, control, and jurisdiction of the same are hereby vested in and assumed by the State, subject to such rights as have been acquired under the laws of the late Government of the United States.

2. *Be it further ordained*, That all laws and parts of laws of the late government of the United States, respecting the sales and surveys of the public lands in this State and all rules and ordinances concerning the administration of same which were in force in this state on the 26th of January A D 1861, and which are not inconsistent with the ordinances passed by this Convention, shall continue to be in full force within this State.

3rd. That until otherwise provided, all the powers, duties, rights and emoluments which, by the existing laws of late Government of the United States are held, possessed or enjoyed by the Surveyor General of the State of Louisiana, and the Registers and Receivers, and which are not passed by this Convention, shall continue to be held, possessed, enjoyed and exercised by the said surveyor General and the said Registers and Receivers.

4th *Be it further ordained*, That the Surveyor General and Registers and Receivers of the Land Offices aforesaid shall be continued in their respective offices: Provided they forthwith take the Oath of Office of this State to be approved of by the Governor, and those remaining in office (together with their sureties) shall be held harmless against all damages which might be claimed of them by the United States by reason of their compliance with the requirements of this ordinance.

5" *Be it further ordained*, that in case the Surveyor General and the Registers and Receivers of the Several Land Offices at New Orleans, Opelousas, Natchitoches, Monroe and Greensburg in this State shall refuse to take the oath referred to in the previous section, then the Governor of this State or some person authorized by him shall immediately take possession of all the public monies in their hands and all the books, record, papers and archives of and belonging to their respective offices.

6" *Be it further ordained*. That all monies now in their hand and those arising from the sales of public lands, shall be paid over by the Receivers of the said several Land Offices to the Treasurer of the State at such times and in such form as the officers pursued in paying over such public monies to the late Government of the United States, and all reports required to be rendered and made to the said Government at Washington by the Officers herein named shall be made and rendered to the Surveyor General of Public Lands for the District of Louisiana. Provided, however, that any warrants which may have been drawn on the said Receivers as disbursing officers of the late Government of the United States prior to the 26th of January, A. D. 1861, shall and may be paid at once by the Receivers: provided that before the said payment is made the said warrants shall be approved by the Governor or the Surveyor General of the State.

7" *Be it further ordained*, That the Governor of this State shall have authority to remove any of the land officers aforesaid whenever he may consider said removal conducive to the public interests, and he shall have authority to fill all vacancies by and with the advice and consent of the Senate, and in case any of said Officers should fail or refuse to take the oath required, the Office shall be deemed vacant and the Governor shall fill the vacancy as provided for above.⁷

Louisiana had now to expect to have to defend herself. Consequently Braxton Bragg, late of the United States army, came to see his new commander in chief, under whom he had accepted service. The telegraphic dispatch relative to his arrival said that

Gen. Bragg arrived in Baton Rouge yesterday (the 13th) morning, and was in private consultation with Gov. Moore during the early part of the day. The military organization of the State is going forward quietly and effectively.

⁷ *Ibid.*, p. 131-33.

Major Beauregard has declined the Governor's appointment to the post of Colonel of Artillery and Chief of Engineers, and ex-Gov. P. O. Hebert, a graduate of West Point, and a gallant officer of the Mexican war, has been appointed in his stead. While we regret the loss of the services of Major B. in this capacity, we are gratified to know that we have so chivalrous and competent a man to substitute for him as Col. Paul O. Hebert.*

The military establishment, which was soon to see active service, was quite anxious to display itself on every occasion. The arrival of General Bragg no doubt caused a great deal of excitement among the troops, who were anxious to see their new commander. In New Orleans, where there were more soldiers than in any other place in the state, any opportunity was welcomed for a parade. When, on February 22, the grand illumination in honor and celebration of Washington and secession—an anomalous festivity already alluded to—was finally staged, about 2,000 men turned out to do honor to the dual event. In those old days, every detachment of the citizen soldiery possessed a different uniform and wore it on every possible occasion; so that the spectacle of them marching down the street was very gay and probably stimulating to the militarily-minded. The Picayune remarks, however,

.... that all the soldiers on duty ... have equipped themselves at their own expense, with the exception of a few muskets and knapsacks furnished by the State. The State nor the city have contributed at all to the expenses of our citizen soldiery for the last two years.†

A splendid opportunity for a public demonstration presented itself when it was heard that General D. E. Twiggs, who had served for forty years or more with the United States army, and then resigned to fight with Texas against the Union, was to come to New Orleans. Miles proposed a resolution to the effect that the entire convention unite with the citizens of the Crescent City in honoring the veteran. Manning offered this additional resolution:

Be it further resolved, That this Convention, appreciating the eminent public services of our distinguished fellow Citizen Genl. Twiggs and having specially in view his recent patriotic conduct in refusing to inaguerate (sic)

* *Daily Picayune*, February 16, 1861.

† *Ibid.*, February 29, 1861.

Civil War and the denunciations of the authorities at Washington which that conduct has occasioned do now invite him to a Seat on the floor of the Convention during his soujourn (sic) in this City.¹⁰

The Veteran arrived the following day, March 5. An elaborate reception was held in his honor, with many of the citizen military units out in full uniform for the purpose of doing him honor. They were under the command of Major General John L. Lewis. Twiggs arrived from Algiers, where his train had stopped, and when his ferry-boat touched the New Orleans side, a cannon-shot notified the assembled crowd. The old general was escorted to an open carriage and the parade started down Canal street. He was cheered in a most enthusiastic manner, according to the contemporary reports, by the citizens and soldiers, who had been gathered in a hollow square. The official welcome to the city was voiced by E. Warren Moise, who rode in the parade immediately behind the distinguished visitor in a second open carriage. Twiggs replied to this address from his carriage also, and spoke briefly but feelingly.

The "tumult and the shouting" having died away, the convention went back to its prosaic and uninspiring labors. The first order of business was the report of the finance committee, which reported that the Commissioner to Texas, Williamson of Caddo parish, should be allowed five hundred dollars. Since Louisiana was primarily concerned with internal affairs, the appropriation of funds for the commissioner to Texas was but a secondary matter.

The old question of the public lands came up for consideration again, and was the cause of considerable debate. Mr. Elgee offered a substitute for the tenth section, then under consideration, which provided for an office of the department of public lands at Baton Rouge, presided over by an official with the title of Commissioner of public lands. This provoked the following discussion:

Mr. Moore proposed an amendment to the substitute, by inserting "Surveyor General" for "Commissioner of Public Lands," which was agreed to.

Mr. Swayze objected to the substitute. It was taking away from the Legislature the power to act

¹⁰ *Journal*, p. 136.

Mr. Todd moved to lay the substitute on the table, which was lost.

Mr. Elgee said, if it would not be considered undignified, he would commence his address to the convention on the present occasion in the language of a certain speech, now a proverbial Lincolnism—"My dissatisfied friends." (Roars of laughter.) He had already agreed to strike out the title of his favorite to please them, but the child must be christened by some name, and it was not of much consequence who stood its god-father. (Renewed laughter.)

Mr. Todd—I think the child very badly named and hope that the original patronymic of the "Commissioner of Public Lands" will be restored. (Continued laughter.)

Mr. Elgee—Very well; I accept of the motion.

Mr. Todd—I did not mean to make the motion. (Renewed laughter.)

Mr. Todd now moved to amend, by inserting the words "Commissioner of Public Lands" for "Surveyor General."

Mr. Elgee arose to say he was very happy, after the long conflict with and enstrangement of the gentleman from Morehouse, (Mr. Todd) to meet him once more in a felicitous state of unanimity, and it was with great gratification that he accepted of the amendment. (Roars of laughter.)

Mr. Moore would state why he was opposed to the change (great merriment.) This was not laughing matter (sic); if we had a Commissioner of Public Lands with a salary of \$4000 a year, we must have a Surveyor General with a large salary also, and he did not see the use of such uncalled for expenditures when one man only was required.

Mr. Todd stated that the commissioner would exercise all the powers of the Surveyor General. The amendment was finally agreed to.¹¹

After considerable debate, the ordinance governing the use of the public lands in the state was finally passed on March 7. It was adopted in this form: the committee on public lands reported the following on the relation of the Montgomery government to the public domain within the limits of the state of Louisiana:

The Committee to whom was referred the resolution declaring that the delegates elected by this Convention to represent the interest of the State of Louisiana in the Convention at Montgomery be instructed to make known to said Convention that the State of Louisiana, in the asser-

¹¹ *Daily Picayune*, March 7, 1861.

tion of her undoubted rights as a Soverign (sic) State, will not and cannot submit to any interference with the public domain within her limits either by the Provisional Federative Government or by any other authority: beg leave to report that in the consideration of the resolution referred to them they have deemed it necessary to examine the question of title to the unappropriated public domain lying within the limits of the State of Louisiana. That question has been put at rest, at least so far as it relates to the action of Louisiana.

It will be perceived by reference to the first Section of an Ordinance adopted by this Convention on the 12th February 1861, relative to this subject: that it is ordained "that all the unappropriated public domain within the limits of the State of Louisiana is of right the property of said State, and that the title, control and jurisdiction of the same are vested in and assumed by the State, subject to such rights as have been acquired under the laws of the late Government of the United States." This is an undoubted assertion of right by the State in the imposing form of an Ordinance of her Convention to the public domain within her borders. So far as this Committee is informed, neither has the Provisional Government nor any other authority manifested a disposition to interfere with our title to, or our control and jurisdiction of the public domain within our limits. Hence the adoption of a resolution by this Convention virtually notifying the Convention at Montgomery that we will submit to no interference *on its part* with the public domain would seem to imply distrust and want of confidence on our part in the Montgomery Convention, our *enemies* at the North and those who are disposed to carp at the Southern movement, might feign to find in such an expression of opinion, some evidence of a disposition by Louisiana to recede from the high and patriotic position she has assumed. When any authority whatever shall evince a desire or attempt to unduly interfere with the public domain of Louisiana, she will doubtless adopt such course as may be necessary to guard and protect her rights. The Committee have arrived at the conclusion that the adoption of the resolution referred to them is unnecessary and would be impolitic and inexpedient and therefore recommends that it be not adopted.

(Signed) C. L. SWAYZE

Chairman of the Committe on Public Lands¹²

¹² *Ibid.*, pp. 149-151.

In addition to the public land discussion, the convention took up the matter of paying the various warrants which had been authorized by the United States government prior to January 26, 1861. Hodge, the chairman of the committee on finance and contingent expenses, submitted his report in the form of a resolution which provided for the redemption of these federal obligations. The report, as amended and adopted, was as follows:

Resolutions to authorize the payment of certain warrants issued under the authority of the United States.

1st. Resolved by the People of the State of Louisiana in Convention assembled that A. J. Guirot, State Depository be and he is hereby authorized to pay the following warrants issued by the United States, viz:

[Here follows a long list of the various items, with the name of the payee, and the amounts to be disbursed, which have been omitted as being unimportant and of no concern to the student.]

. . . . Resolved further, That said State depository be and he is hereby instructed to transfer to the Post Office account the sum of fifty five thousand six hundred and sixty two 10/100 dollars of the funds to the credit of the Public Revenue prior to the 31st January 1861, to pay the following warrants issued under the authority of the United States for the transportation of mails, viz:

[Here follows a list of numbers, names and amounts of warrants made out to sub-contractors. Omitted as of little interest or importance.]

3". Resolved further, That said State Depository be and he is hereby authorized and instructed to transfer to said Post Office account the sum of twelve thousand dollars from the funds aforesaid in his hands at the date aforesaid to pay warrants issued prior to the 26th Jan'y 1861.

4". Resolved further that after the payment of the warrants authorized to be paid by the preceding resolution, the balance of funds remaining on hand to the credit of the public Revenue on the 31st January 1861 be reserved in settlement of the compensation due to the Census takers of the United States in this State.¹³

The proposal by Marks of Caddo that the state constitution be altered so that the judicial system should be appointed by the governor, instead of elected by the people, as was then the custom, brought forth the following editorial from the Picayune:

¹³ *Journal*, pp. 152-53.

The State Convention, it appears, in the exercise of the unlimited power claimed for that body, now entertains a proposition to amend the State Constitution, so far as relates to the Judiciary, by provision that hereafter the Judges of the Supreme and District Courts shall be appointed by the Governor, by and with the advice and consent of the Senate, instead of being elected by the people. The Bee, referring to the attempt now made to remodel the judiciary, says:

It is not our purpose to deny the plenary power of this body to alter or subvert the present constitution. Their right in this respect will be readily conceded.

One thing, however, should not be kept out of view. The delegates were elected with reference to the existing troubles with the Federal Government; and, although they should not be restricted in their action to that main object of that trust, yet they ought, in our opinion, to be careful in not making too radical changes in the Government. When once an amendment of this character is passed, there is no telling to what other innovations it may lead.

In this we partially concur. The Convention has taken a wide range of action since it assembled, and has undertaken to do many things not contemplated by the people creating it. Certainly, however desirous the people might be of getting rid of an elective judiciary, they did not think of that when they elected the delegates to the convention; they did not imagine that, whatever else it might do, it would at least render them that good service. They elected the delegates for a particular purpose, and did not contemplate that they would go beyond it. When the Convention assembled, they went to work and meddled with all sorts of subjects, evidently determined to enjoy the sweets of the exercise of the power they claimed to possess. If the convention relieves the State of the curse of an elective judiciary, it will do one good act, the grateful recollection of which may efface the remembrance of other things it has done not so likely to be hereafter regarded with approbation.

However much we be in favor of the proposed change, we are not desirous of seeing it effected by the convention, for the reason that it was not intended by the people at the election that the convention should take any action in the matter. The Bee, in the article we quoted from, says;

We need not express any opinion upon the merits of the system of appointment or election of judges; but if the convention decides in favor of the former mode, then we suggest that the ordinance be submitted to the people for ratification. This course should be pursued for the plain reason that the delegates were not elected with reference to this radical change in the Government, and that it would be injudicious to withdraw from the people such important powers without taking their sense upon the propriety of the change.

We are glad to find that the Bee occupies ground so conservative of the rights of the people. Its remarks above quoted in reference to the proposition about the Judiciary are susceptible of application to other matters, which may come before the convention of even more importance.¹⁴

No effective action was ever taken on the ordinance, and so the fear of the two papers was set at nought.

From the City Hall down to the barracks below the city is not such a long trip today, but in 1861 it was an all-day excursion. According to the journals of the day, great progress was made down there after the state's occupation:

A few months just past have made a great change in the lower end of the city adjoining the Government Barracks. Formerly as dull and quiet a spot as could be found in any similar proximity to the busy center of the metropolis; now thronged with people, gay with the lively colors of uniforms, and exhibiting all that air of soldierly excitement which attributes to a military depot in times of war. Although recruiting for the regular service has been opened but a short time, and as yet there is no certainty of fighting with any foe, there has been quite a rush of applicants at the recruiting offices, one of which is corner of New Levee and Girod streets, and the other on the Levee, near to the Ponchartrain railroad depot, Third District, the latter under the immediate superintendence of Capt. Wm. H. Fry. A great many of the applicants were of course turned away but there are now in the Barracks about six hundred strong, hearty and enthusiastic men, longing for an opportunity, as some of them expressed it to us, of showing what they are made of.

¹⁴ *Daily Picayune*, March 9, 1861.

This force, with the five companies already in active service at the forts, makes eleven hundred men who have volunteered without any of stimulating excitement of war news to stir up their patriotic zeal and military ardor. Nearly all of the commissioned officers of the infantry and artillery regiments have reported for service, but have not yet had their respective commands assigned them. The recruiting still goes on, and five or six hundred men will be received in addition to those already enlisted. This force complete, will make a creditable quota for Louisiana towards the formation of the standing army of the Confederate States, while in the event of more men being required for actual warfare we think the past history of our State may be taken as some indication that her sons will never be behindhand in volunteering for the defense of their rights and honor.¹⁵

Louisiana had commissioned her representatives, adopted a flag, and taken care of domestic issues. She was independent, but for how long?

¹⁵ *Bee*, March 12, 1861.

(To be continued)



La

**FORT JESUP, FORT SELDEN, CAMP SABINE,
CAMP SALUBRITY**

Four Forgotten Frontier Army Posts of Western Louisiana

By J. FAIR HARDIN

Lieut. Col., J. A. G., Louisiana National Guard

FIFTH INSTALLMENT

(Continued from October, 1933, Quarterly)

CHAPTER XIII

GENERAL ZACHARY TAYLOR ASSUMES COMMAND OF FORT JESUP

ON NOVEMBER 5, 1840, the following Special Order No. 86 was issued by the Adjutant General:

"Brevet Brig. General Z. Taylor, Colonel of the 1st Infantry, is hereby assigned to duty in the New Orleans station, whither he will repair and take charge of all the military posts in its vicinity, and that at Baton Rouge. The General will establish his Headquarters at the New Orleans or Baton Rouge barracks."¹⁰⁰

This followed General Taylor's relief from duty in the Seminole War, where he had won laurels; he was succeeded in that duty by General Armistead.

"General Taylor was now (1840) ordered to the command of the Southern Department of the Army, including the States of Louisiana, Mississippi, Alabama, and Georgia, with his headquarters at Fort Jesup, in Louisiana. His appointment to this command led to his subsequently being placed at the head of the "Army of Occupation" which has since covered itself with glory."¹⁰¹

He arrived at New Orleans on June 21, 1840,¹⁰² and

"In 1841, not long after he arrived at New Orleans, he was ordered to relieve General Arbuckle at Fort Gibson . . . Soon after he changed his headquarters to Fort

¹⁰⁰ S. O. No. 86, W. D. Nov. 5, 1840, copy furnished the writer by the Adjutant General.

¹⁰¹ *Taylor and His Generals*, p. 40, pub. by E. H. Butler & Co., N. Y. 1847. Also *General Taylor and His Staff*, p. 21, pub. by Lippincott, Grambo & Co., Philadelphia, 1851.

¹⁰² *Life of Major General Zachary Taylor*, by Jno. Frost, pp. 37-39. Also *Life of General Zachary Taylor*, p. 68, J. Reese Fry, Philadelphia, 1848.

Smith, and subsequently was transferred to Fort Jesup, in Louisiana."¹⁰¹

"Meanwhile, Mexico was not idle. . . . As soon as the rumor reached her of the designs of the United States government she instructed her minister to enter a solemn national protest against annexation. . . . Under the circumstances it was thought advisable to station a military force in Texas to repel any sudden invasion which might be made by the Mexicans. Accordingly, some months before the annexation the following order was directed to General Taylor:

Sept. 17, 1844.

"Sir:

The General in Chief has received instructions through the Department of State from the Executive to hold the troops between the Red and the Sabine Rivers ready to march in case of a requisition being made by the Charge d'Affairs residing near the Government of Texas, as the said Charge d'Affairs may designate, in order to restrain any hostile incursions on the part of the border Indians, as required by the provisions of existing treaties.

"You will please take such preliminary measures as may be deemed necessary to put the great part of the forces under your command designated above, in march for the above purpose at short notice."

"Should the apprehended hostilities with the Indians alluded to break out, an officer of rank, probably yourself, will be sent to command the United States forces placed in the field, who will receive hereafter further instructions from his government."

Brig. Gen. Z. Taylor, L. Thomas, Asst. Adjt. Gen.
Commndg. 1st Dept., Fort Jesup, La.¹⁰²

The national government, fearing trouble with Mexico, ordered some of the national troops to be held in readiness to march into Texas in case Texas accepted the propositions of the United States for annexation.¹⁰⁴ It was only natural that Mexico opposed annexation; and the United States wished to be prepared to act if Mexico invaded Texas soil.

Under date of March 21, 1845, the Adjutant General of the Army addressed to General Taylor, at Fort Jesup, a letter of detailed instructions as to troops of the Southern Department and their disposition,¹⁰⁵ and directed him to hold them in read-

¹⁰² *Life of Major General Zachary Taylor*, by John Frost, pp. 40-41.

¹⁰⁴ Smith, *The War With Mexico*, Vol. I, The McMillan Co., 1920.

¹⁰⁵ *Life of Major General Zachary Taylor*, by John Frost, pp. 40-41. *General Taylor and His Staff*, (Anon) Philadelphia, 1851, p. 21, *Life of Zachary Taylor*, by H. Montgomery, Philadelphia, 1847, pp. 57-61.

iness to be moved into Texas as soon as ordered. *Niles Register* of April 25, 1845, under its "Army" news, carried the following:

"The Western Missouri Journal states that two companies of the Third Infantry stationed at Fort Leavenworth have been ordered to Fort Jesup, and that they were to leave by the first boat. Fort Jesup is on the Red River immediately upon the Texas frontier, and, according to the report of the Adjutant General, there are now stationed there seven companies of the Second Dragoons, eight companies of the Fourth Infantry. This disposition of troops doubtless is prompted by the aspect of our Texan and Mexican relations."¹⁰⁶

"In view of possible difficulties with Mexico, a disproportionate share of the troops were placed at or near Fort Jesup on the western border of Louisiana; and in June, 1845, these included the Third Infantry, eight companies of the Fourth Infantry, and seven companies of the Second Dragoons. Their commander was Brevet Brigadier General Zachary Taylor."¹⁰⁷

We are fortunate in having an excellent first-hand account of this concentration of the "Army of Observation" at Fort Jesup and Camp Salubrity from the pen of an army officer who participated in it, Captain W. S. Henry, U. S. A., in his *Campaign Sketches of the War With Mexico*:

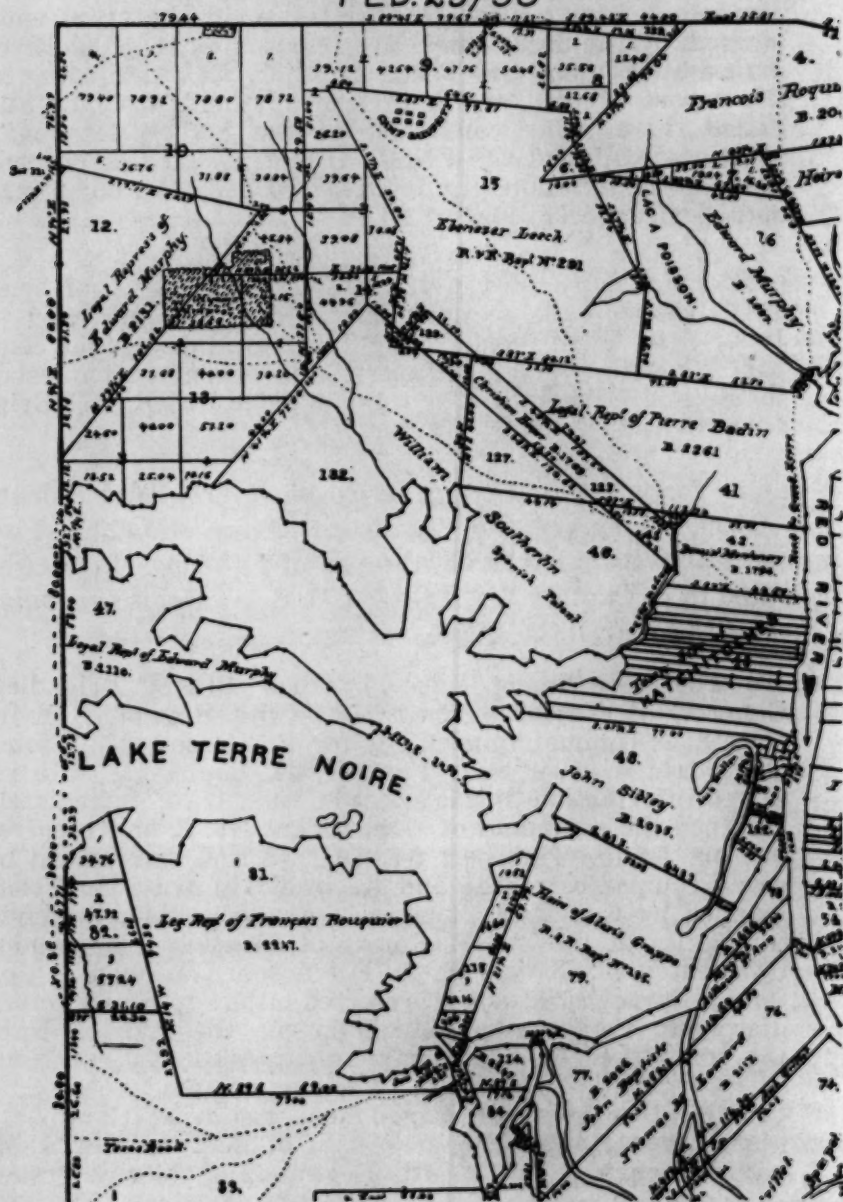
"The government selected (then Brevet Brigadier-General) Z. Taylor, colonel of the 6th Regiment of Infantry, as commanding officer for the forces about being concentrated at or near Fort Jesup, Louisiana. He received information to this effect in May, 1844, immediately resigned the command of Department No. 2, and repaired to Fort Jesup. This post was at that time garrisoned by seven companies of the 2nd Regiment of Dragoons, commanded by Col. D. E. Twiggs. In April, 1844, the eight companies of the 3rd Regiment of Infantry, commanded by Lieutenant Colonel E. A. Hitchcock, stationed at Jefferson Barracks, Missouri, received orders to repair immediately to Fort Jesup, Louisiana. On the 27th of April they embarked on transports, and arrived at Fort Jesup on the 10th day of May. Their encampment, in close proximity to the above named fort, was called Camp Wilkins, in honor of the then Secretary of War. In May, 1844, eight companies of the 4th Regiment of Infantry, then

¹⁰⁶ *Niles Register*, Vol. 68, p. 117.

¹⁰⁷ Smith, op. cit., pp. 141-142.

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Map of Natchitoches in 1850 showing Camp Salubrity.

stationed at Jefferson Barracks, Missouri, and commanded by Colonel Vose, received orders to repair to Red River. They took water transportation on the 7th, and arrived at Grand Ecore on the 13th of May, 1844. They selected a beautiful site for an encampment, about three miles from the river, which was called Camp Salubrity. Two companies of the 3rd and two of the 4th Infantry were at that time detached, the former at Fort Leavenworth, the latter at Fort Scott, Missouri. General Taylor arrived at Fort Jesup about the middle of June, and took command of the forces. He called them the "Army of Observation." On the third of April, 1845, the two companies of the 3rd Infantry stationed at Fort Leavenworth, started for Fort Jesup, and arrived there on the 23rd of April. This movement concentrated the 3rd Infantry. The original "Army of Observation" under command of General Taylor consisted of seven companies of the 2nd Dragoons, under the command of Colonel Twiggs; the 3rd Infantry, commanded by Lt. Col. Hitchcock; and eight companies of the 4th Infantry, under command of Colonel Vose."¹⁰⁸

CHAPTER XIV

GENERAL GRANT AT CAMP SALUBRITY

AMONG the junior officers of the 4th Infantry thus called to serve in the Army of Observation was Brevet Second Lieutenant Ulysses S. Grant, who had been graduated from West Point in July, 1843. He was absent from his regiment on leave when his command was ordered to its new station on the southwestern frontier, but he joined it there a short time after. Chambers was the first historian of Louisiana to mention this interesting incident in history, and we will not repeat here the charming account of it which he gives in his chapter on "Louisiana in the Mexican War."¹⁰⁹ Rather shall we give Grant's own brief account of it:

"The 4th Infantry went into camp at Salubrity in the month of May 1844, with instructions, as I have said, to await further orders. At first, officers and men occupied ordinary tents. As the summer heat increased these were covered by sheds to break the rays of the sun. The summer was whiled away in social enjoyments among the officers, in visiting those stationed at, and near Fort Jesup,

¹⁰⁸ *Campaign Sketches of the War With Mexico*, by Capt. W. S. Henry, pp. 3-9.

¹⁰⁹ *Louisiana*, by Henry E. Chambers, Vol. I, pp. 599-600. American Historical Society, Chicago and N. Y., 1924.

twenty-five miles away, visiting the planters on Red River, and the citizens of Natchitoches and Grand Ecore. There was much pleasant intercourse between the inhabitants and the officers of the Army. I retain very agreeable recollections of my stay at Camp Salubrity, and of the acquaintances made there."¹¹⁰

More interesting still is another and an earlier account from the pen of Mr. Chambers published a number of years ago in the *Illustrated Sunday Magazine* of The Daily Picayune under the title of "With Grant in Louisiana," which Mr. Henry P. Dart gave the writer upon learning of his interest in Fort Jesup; this article was apparently the basis of Chambers' chapter in his later history, and almost verbatim his Chapter 36 "The Victory Seed of Appomattox" in *Mississippi Valley Beginnings*. In this article he goes much more into detail, and of special interest in his reference to a contemporary letter of Grant's:

"A letter dated December 1, 1844, written by Grant to his friend, Lieut. Hazlett, and not generally known, gives one an insight into what camp life at this time must have been. In this letter Grant refers to the state of excitement under which the men were laboring, for they expected daily to be hurried off to the Texas frontier. He speaks of "Corpus or San Antonio" as two possible points of destination, reports all property not absolutely necessary to present needs packed up for transportation and stored at Grand Ecore. He intimates his own personal doubts as to any movements of the regiment in the near future, notwithstanding these preparations.

"He tells of the muttered curses heaped upon the heads of the regimental officers who put the men at work building two long lines of blockhouses as winter quarters more comfortable than tents, when the men believed such labor unnecessary, in view of the expected early departure. Of these blockhouses only the tracing of decayed wooden foundations are now to be seen. He writes: 'There were five days races at Natchitoches. I was there every day and bet low, generally lost. Jarvis and a number from Jesup were there. Jarvis was pretty high and tried to be smart most of the time. He fell over the back of a bench at the race course and tumbled over backward in his chair in front of Thompson's Hotel during his most brilliant day. He undertook to play brag at our camp and soon succeeded in ridding himself of twenty dollars, all in quarters. The game of brag is kept up as lively as ever. I continued

¹¹⁰ *Personal Memoirs of U. S. Grant, Vol. I, p. 65, Charles L. Webster Co., N. Y., 1885.*

to play some after you left and won considerable, but for some time back I have not played and probably will never play again—no resolution, though! . . . For fourteen months Grant's regiment was stationed at Camp Salubrity."¹¹¹

Thus from June, 1844, until June, 1845, this future General of the Union Armies was stationed there, yet, as Chambers states, "his published biographies may be searched in vain for any full account of him during this period." Woodward gives to this year a scant paragraph.¹¹²

To quote Chambers again: "Today Camp Salubrity is but a level hilltop, surrounded by forest-covered dells and ravines." Of late years it has sunk back almost into the forest primeval, with second-growth pine on the camp site rivalling in size the great oaks on the hillsides that sheltered Taylor's soldiers. Scarcely two miles from Natchitoches, it can be reached by car over a narrow, winding wooded road, leading off from Highway No. 20, and one is well rewarded for the trip. The site is a beautiful one, from which toward the west one gets a magnificent view over the Kisatchie Wold, and from the hilltop one can descend by steep wooded paths some of the most precipitous ravines to be found in Louisiana to clear and cold never-failing springs and beautiful pools known as "Breazeale Springs." The map of the survey by the General Land Office of February 25, 1850, shows the location of Camp Salubrity in the northwest corner of irregular Section 15, Township 9 North Range 7 West, the Ebenezer Leech Claim. The site is now owned largely by the Breazeale Estate, and Mr. Phanor Breazeale has generously offered to give his interest in an historical park embracing the site, and to assist in procuring the interest of his co-owners, if Natchitoches Parish will make the site accessible. This can be easily done by widening and straightening the present road, and also by reopening the Old Texas Road which runs through the site, the old historic route followed by the wagon teams in conveying freight and immigrants from the river at Grand Ecore, among the ridge-tops via Los Adais to Fort Jesup and across the Sabine. This road intersects Highway No. 20 a scant mile from Camp Salubrity, and it would be necessary to reopen about three miles to form a convenient connecting link between that paved

¹¹¹ *Mississippi Valley Beginnings*, by Henry E. Chambers, Chap. 36, pp. 352-362, G. P. Putnam's Sons, N. Y., 1922.

¹¹² *Meet General Grant*, by W. E. Woodward, p. 75. Also, *Ulysses S. Grant*, by Louis A. Coolidge, p. 27. American Statesman, second series, Houghton Mifflin.

highway and the pavement again at Grand Ecore, this old Texas Road connecting at Camp Salubrity with the direct road to Natchitoches above referred to.

CHAPTER XV

FINAL ORDERS TO GENERAL TAYLOR AT FORT JESUP

ON MAY 28, 1845, Secretary of War Marcy addressed to General Taylor at Fort Jesup the following letter of instructions marked "confidential," thus officially, though secretly, beginning, by the disposition of troops and the laying out of plans, the war against Mexico:

"I am directed by the President to cause the forces now under your command, and those which may be assigned to it, to be put into a position where they may most promptly act in defense of Texas, in the event it shall become necessary or proper to employ them for that purpose. The information received by the Executive of the United States warrants the belief that Texas will shortly accede to the terms of annexation. As soon as the Texas congress shall have given its consent to annexation, and a convention shall assemble and accept the terms offered in the resolutions of Congress, Texas will then be regarded by the executive government here so far a part of the United States as to be entitled from the government to defense and protection from foreign invasion and Indian incursions. The troops under your command will be placed and kept in readiness to perform this duty.

"In the letter addressed to you from the Adjutant General's Office, of the 21st of March, you were instructed to hold a portion of the troops under your immediate command in readiness to move into Texas under certain contingencies, and upon further orders from this department. In the treaty between the United States and Mexico, the two governments mutually stipulated to use all the means in their power to maintain peace and harmony among the Indian nations inhabiting the lands on their borders; and to restrain by force any hostilities and incursions by these nations within their respective boundaries, so that the one would not suffer the Indians within its limits to attack, in any manner whatever the citizens of the other, or the Indians residing upon the territories of the other. (See the 33rd Article, a copy of which is herewith transmitted). The obligations which in this respect are due to Mexico by this treaty, are due also to Texas. Should the Indians residing within the limits of the United States, either by themselves, or associated with others, attempt

any hostile movement in regard to Texas, it will be your duty to employ the troops under your command to repel and chastise them; and for this purpose you will give the necessary instructions to the military posts on the upper Red River (although not under your immediate command), and, with the approbation of the Texas authorities, make such movements, and take such position, within the limits of Texas, as in your judgment may be necessary. You are also directed to open immediate correspondence with the authorities of Texas, and with any diplomatic agent of the United States, (if one should be residing therein), with a view to information and advice with respect to the common Indian enemy, as well as to any foreign power. This communication and conversation with the Texas authorities, etc., are directed with a view to enable you to avail yourself of the superior local knowledge they may possess, but not for the purpose of placing you, or any portion of the forces of the United States, under the orders of any functionary not in the regular line of command above you.

"Should the territories of Texas be invaded by any foreign power, and you shall receive certain intelligence through her functionaries of that fact, after her convention shall have acceded to the terms of annexation contained in the resolutions of the Congresses of the United States, you will at once employ in the most effective manner your judgment may dictate, the forces under your command, for the defence of these territories, and to expel the invaders.

"It is supposed here that, for the mere purpose of repelling a common Indian enemy, as above provided for, it may not be necessary that you should march across the Sabine or upper Red River (at least in the first instance) with more than the particular troops which you were desired in the instructions before referred to, of the 21st March, to hold in immediate readiness for the field, but it is not intended to restrict you positively to that particular amount of force. On the contrary, according to the emergency, you may add any other corps, or any number of companies within your department, deemed necessary, beginning with those nearest at hand; and in the contingency of a foreign invasion of Texas, as above specified, other regiments from a distance may be ordered to report to you."

Very respectfully,
Your obedient servant,

WM. L. MARCY,
Secretary of War.

General Z. Taylor,
Fort Jesup, Louisiana.¹¹³

¹¹³ Ho. Ex. Doc. 60, 30th Cong. 1st Sess., pp. 79-80-81. Ho. Ex. Doc. 196, 29th Cong. 1st Sess., pp. 68-69. *The Life of Major General Zachary Taylor*, by H. Montgomery, Philadelphia, 1847, p. 61.

Here again Washington uses anew the threadbare subterfuge of imagined "Indian hostilities" under the oft-invoked Article Thirty-three of the Treaty, an article that Mexico could well wish had never been written, in a manner strangely reminiscent of the days and correspondence of General Gaines: a subterfuge that was quite transparent and hardly worth the trouble of adoption. This dispatch was followed by another "confidential" one, dated June 15, 1845, from the Acting Secretary of War, addressed to General Taylor at Fort Jesup:

"On the fourth of July next, or very soon thereafter, the convention of the people of Texas will probably accept the proposition of annexation, under the joint resolutions of the late Congress of the United States. That acceptance will constitute Texas an integral portion of our country.

"In anticipation of that event, you will forthwith make a forward movement with the troops under your command, and advance to the mouth of the Sabine, or to such other point on the Gulf of Mexico, or its navigable waters, as in your judgment may be most convenient for an embarkation at the proper time for the western frontier of Texas.

"In leaving to your judgment to decide the route, it is intended that you choose the most expeditious, having due regard to the health and efficiency of the troops, on reaching the point of destination. The force under your immediate command, at and near Fort Jesup, to be put in motion on the receipt of these instructions, will be the 3rd and 4th Regiments of Infantry, and seven companies of the 2nd Regiment of Dragoons. The two absent companies of the 4th Infantry have been ordered to join their regiment. Artillery will be ordered from New Orleans.

"It is understood that suitable forage for cavalry cannot be obtained in the region which the troops are to occupy; if this be so, the dragoons must leave their horses and serve as riflemen. But it is possible that horses of the country, accustomed to subsist on meagre forage, may be procured, if it be found necessary. You will therefore take the precaution to order a portion of the cavalry equipments to accompany the regiments, with a view to mounted service.

"The point of your untimate destination is the western frontier of Texas, where you will select and occupy, on or near the Rio Grande Del Norte, such a site as will

consist with the health of the troops, and will be best adapted to repel invasion, and to protect what, in the event of annexation, will be our western border. You will limit yourself to the defense of the territory of Texas, unless Mexico should declare war against the United States.

"Your movements to the Gulf of Mexico, and your preparations to embark for the western frontier of Texas, are to be made without any delay; but you will not effect a landing on that frontier until you have yourself ascertained the due acceptance of Texas of the proffered terms of annexation, or until you receive instructions from Mr. Donelson.

"I am sir, very respectfully, your obedient servant,
George Bancroft

To Brigadier General Z. Taylor
U. S. Army, Com'g 1st Dept. Fort Jesup, La.¹¹⁴

The anticipated action of the Texas Convention accepting the terms of the Resolution of Congress favoring annexation was promptly taken on July 4, 1845;¹¹⁵ but this was already a foregone conclusion, and therefore General Taylor did not quite await its adoption. He had already selected New Orleans as the "point on the Gulf of Mexico most convenient for the embarkation" under his instructions, and his "Army of Observation" had grown so large as to tax the resources of the frontier country to furnish forage and supplies. The 3rd and 4th Infantry Regiments were immediately ordered to New Orleans by boat.

"It was decided that the Dragoons should march across the country. On the 2nd of July the 4th Infantry embarked on steamers at Grand Ecore, and arrived at New Orleans on the 4th, and took position at the Barracks, about four miles below the city. The 3rd Infantry left Fort Jesup on the 7th and arrived at New Orleans on the tenth. Quarters were assigned to them in the lower cotton press."¹¹⁶

Thus the Army of Observation marched away to war from Fort Jesup and from Camp Salubrity, with bands playing, colors flying, teamsters' oaths ringing, mule-skinners' long-whips crack-

¹¹⁴ Ho. Ex. Doc. No. 60, 30th Cong. 1st Sess., pp. 81-82; Ho. Ex. Doc. 134, 29th Cong. 1st Sess., pp. 69-70.

¹¹⁵ *Campaign Sketches of the War With Mexico*, p. 10, by Capt. W. S. Henry, U. S. A. Harper & Brother, N. Y., 1847.

ing and clouds of dust rising from the long string of escort wagons along the old San Antonio Trace from Fort Jesup to the steamboat landing at the river town of Grand Ecore; and with the passing of General Taylor and these troops, passed also the importance and the glory of Fort Jesup. It had witnessed important events in national history, as a part of the advancing frontier. For a decade, ever since the stormy days of General Gaines, it had been a focal point of American diplomatic and military relations with Texas and Mexico, and had held the place of first importance on the long western frontier. Established by General Gaines and Colonel Taylor, it had now witnessed the latter's return to its command in the height of his military career, had sheltered the mobilization of his Army of Observation, and now beheld him setting out toward his greatest triumphs, as the leader of the republic's first "Expeditionary Force," triumphs that were to carry him shortly to the Presidency. But the successful participation of Fort Jesup in this movement which resulted in the advance of the United States frontier six hundred miles, from the Sabine to the Rio Grande, itself meant the end of the fort's importance. With the departure of these troops, it was never again occupied by a military force, except a care-taking detachment, and, for a brief period, by the Confederates in the Red River Campaign. Its military career was almost over.

"General Taylor and staff did not accompany the troops on their departure from Fort Jesup. He remained behind to see that everything was arranged for the departure of the Dragoons, and arrived in the city on the 15th."¹¹⁶

After the "Army of Observation" no other troops destined for the Mexican War occupied Fort Jesup, for Bragg's Artillery and the other Regular Army units, and the volunteer levies that were raised by the States, were all concentrated directly at New Orleans and other Gulf ports and sent by boat to Corpus Christi, and, later to lower ports of Texas. In a history of Fort Jesup and Camp Salubrity, we are therefore, not concerned with the subsequent events of the War with Mexico.

¹¹⁶ Henry, *op. cit.*, p. 11.

CHAPTER XVI.

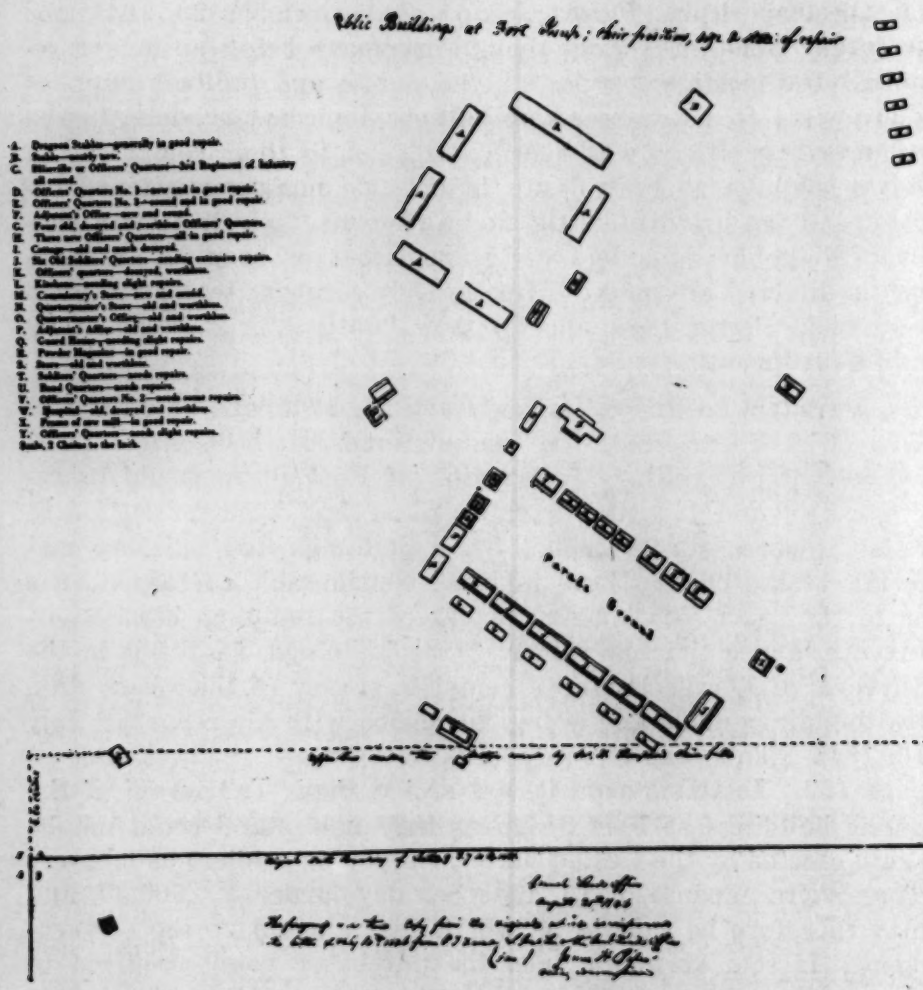
THE ABANDONMENT OF FORT JESUP AS A MILITARY POST

THE successful prosecution of the War was soon reflected in the disposition of Fort Jesup. On November 29, 1845, the Adjutant General ordered that "Fort Jesup being no longer required for military purposes," the public and military supplies there were to be disposed of without unnecessary delay. The commanding officer was directed to send to their companies in Texas all men at Fort Jesup except one non-commissioned officer and ten privates of the 2nd Dragoons, "which he will conduct to the headquarters of his regiment as soon as arrangements directed are made." One orderly sergeant was directed to remain in charge of public property "until it is disposed of by the Quartermaster's Department."¹¹⁷

Pursuant to this order, on April 21, 1845, the Secretary of War officially informed the Commissioner of the General Land Office that the military reservation of Fort Jesup would be relinquished, and that the Quartermaster had been instructed to take measures for the sale of the buildings and building materials at the post. There followed considerable correspondence as to the exact location and extent of the building, conflicts of surveys, and estimated values of the buildings, resulting in the Surveyor General's having a complete survey of the reservation and buildings made and a map furnished with his report of July 16, 1846. This map is reproduced herewith in reduced scale at page 152. In this report it was stated that "The whole of the public buildings at Fort Jesup as they now stand could not be again erected by the United States, employing soldiers as laborers at an extra expense of 15 cents per day, under \$20,000.00, and may therefore be said to be worth that amount to the Government. If sold at public sale, the purchaser being required to remove them, they would not bring more than \$4,000.00, but if sold with the lots they might bring \$8,000.00, or \$10,000.00," and the subdivision and sale in lots as indicated was recommended.¹¹⁸

¹¹⁷ General Order 53, A. G. O., Nov. 29, 1845, furnished the writer by the Adjutant General of the Army.

¹¹⁸ Letter from Acting Commissioner General Land Office to Secretary of War, Marcy, Aug. 21, 1846, with accompanying maps furnished the writer by Hon. Thomas C. Havell, Asst. Com. G. L. O. who has rendered most active and effective cooperation on the location of this and other historic sites in Louisiana.



Map of Ft. Jesup at its largest extent in 1846. The second Kitchen "L" from the lower end is the building still standing.

Twenty-five lots and buildings were offered for sale at public auction at Natchitoches on April 23, 1850.¹¹⁹

After having disposed of approximately 6400 acres of the reservation, the Secretary of War relinquished the fort to the Department of the Interior on December 27, 1850, just prior to the agitation in Louisiana for the establishment and location of a "State Seminary of Learning," resulting in the adoption on February 18, 1852, of a Joint Resolution of the Louisiana Legislature requesting the donation of the military reservation of Fort Jesup for the establishment of a "public seminary of education" thereon,¹²⁰ which was promptly referred to the Committee on Private Land Claims. On March 10, 1852, Hon. C. M. Conrad, Secretary of War addressed the following letter to the Committee:

"I have received your letter of the 19th making inquiries as to the extent of the reservation at Fort Jesup, the extent and value of the buildings thereon, etc. In reply thereto I have the honor to inform you that the extent of the reservation was 25 sections, but a part of one of the sections (that on which the buildings are situated) was sold at public auction in the year——. In the year 1849 the buildings were estimated at \$3500.00. A few of them remain unsold, but they are of little value.

"The site is neither used nor needed for military purposes, and it is the intention of the Department to offer the residue of the reservation for sale. The lands are of but little value; the only offer made for them was ten cents per acre.

"The Department is not aware of any precedent for making a donation of the reservation referred to for the purposes of education."

The Committee reported favorably, as follows:

"The letter from the Secretary of War shows that this reserve is no longer needed for military or other purposes, that it has been offered for sale but only a small portion sold, on which the buildings were situated, except at the low price of ten cents per acre. This reserve is poor pine wood land, of little value, but it is a healthy situation in the interior, near the line between Texas and Louisiana, and the legislature of the State considered it would be valuable as a site for a seminary of learning. It is of so little value to the United States, and as grants

¹¹⁹ *Ibid.*, p. 3.

¹²⁰ Sen. Misc. Doc. No. 138, 32nd Cong. 1st Sess., Vol. 1, Serial No. 629. Art. 138, Const. of La. of 1845. Art. 138 Const. of La. of 1852.

have frequently been made for such purpose, the committee is of the opinion that the grant ought to be made, and reports a bill accordingly, and recommends its passage."¹²¹

Fort Jesup lost this opportunity however, of becoming the seat of the "Louisiana State Seminary of Learning and Military Academy," which later became the Louisiana State University, to Alexandria, where it was located by Act 216 of 1852,¹²² and four decades were to elapse before its prominence was to be revived as an educational center.

CHAPTER XVII.

FORT JESUP IN THE WAR BETWEEN THE STATES

A DOZEN years passed in absolute peace and quietude for Fort Jesup. Many of the buildings had fallen down, many had been sold and removed, others were occupied as stores or private homes by their purchasers, when another war, the greatest of all, in its mighty current, touched Fort Jesup with an eddy, the final incident in the old fort's military career. Strange to say, this part was brought about through General Dick Taylor, the son of Zachary Taylor who established Fort Jesup and directed affairs in its best days. He tells the story in *Destruction and Reconstruction*. He speaks of Fort Jesup quite familiarly, and apparently feels no need of explaining what and where it was, for he was doubtless thoroughly familiar with it from his father's accounts. In March, 1864, he was falling back before Banks' advance up Red River, one of the most masterly retreats and drawings out of the enemy forces (over two hundred miles) that the records of the war between the states chronicle. Banks had a force of twenty-eight thousand; Taylor on leaving Alexandria had fifty-three hundred infantry, five hundred horse and three hundred artillerymen. A few days later he lost two hundred of his cavalry and four of his guns by capture. "From Texas, if at all, the delayed reinforcements must come, and it was vital to cover the roads from the Sabine." He therefore sent couriers to direct these reinforcements "on to the Fort Jesup Road." He hoped to make a stand at Beasley's, near Natchitoches, where he had stores of supplies and could cover the roads to the Sabine,

¹²¹ 32nd Cong. 1st Sess. Sen. Comm. Rep. No. 138.

¹²² "The Early History of La. State University," *La. Hist. Qlty.*, Vol. 11, No. 1, p. 6, by J. Fair Hardin.



The ancient pillars in Ft. Jesup Historical Park.

and here he waited seven days; but reinforcements still failing to arrive, "the troops were ordered to Pleasant Hill via Fort Jesup." Arrived at Pleasant Hill on April 1, he learned "that DeBray's regiment of cavalry, with two batteries and trains, was in march from Fort Jesup."¹²³

We have the following good description of Fort Jesup as it appeared to J. P. Blessington, a private in Walker's Texas Division, and recorded in a contemporary account, at pages 178 and 179 of "The Campaigns of Walker's Texas Division":

"March 30th (1864). We marched in the rear of the train, and arrived in camp, near Fort Jesup, late in the evening.

March 31st. Marched twenty miles. Passed by Fort Jesup, an old United States fort before the annexation of Texas to the Union. The location of the old fort is one of exceeding loveliness—healthy, and combining every advantage for a flourishing settlement . . . There are still standing the remains of the fort, barracks, sutler's store, General Twiggs' dwelling, and some out-houses but now crumbling away with decay."

These troops participated in the victories of Mansfield and Pleasant Hill on April 8 and 9, 1864; and, on the following days, along the eastern end of the old San Antonio Trace, from Los Adais, or Robeline, through Camp Salubrity, to Grand Ecore, rumbled the retreating trains and marched the defeated troops of General Banks. Fort Jesup caught only a little eddy, and that was all. Then came peace and quietude again, and further mouldering of the ruins.

The reservation was formally transferred by the War Department to the Department of the Interior on March 25, 1871, under the Act of February 24, of that year, and practically all of the remaining lands were disposed of at public auctions under the provisions of the Act of February 15, 1875, on November 27 of that year, April 13, 1880, and December 27, 1884.¹²⁴

Then, just as its oblivion seemed complete, when the old dragoon barracks and stables on their high limestone pillars were sinking in decay, a new interest arose in the ancient frontier army post, as it became an outpost and a "strong point" of higher education in North and Western Louisiana.

¹²³ *Destruction and Reconstruction*, by Gen. Richard Taylor, pp. 157-158.

¹²⁴ 16 Stat. 439, 28 Stat. 664. Letter of Thos. C. Havell, Asst. Com. G. L. O. to writer, Nov. 21, 1927.

CHAPTER XVIII.

FORT JESUP BECOMES AN EDUCATIONAL CENTER

THOUGH not the parish seat, the village of Fort Jesup in 1887 was still the largest community in Sabine Parish. There was only one railroad in the parish, the Texas and Pacific, which passed through the north-eastern edge; and almost a decade was to elapse before the Kansas City Southern was to bisect the parish from north to south and bring the parish seat of Many from its isolation. Fort Jesup was only nine miles from the railroad at Robeline, over the old San Antonio Trace, and was considered quite accessible. It early became one of the Masonic centers of the State, Sabine Lodge holding its first meeting there on June 22, 1848, and receiving its first charter, No. 11, on January 16, 1849. On March 4, 1850, charter No. 75 was issued to the lodge in lieu of its original charter, and this lodge has remained active under this charter ever since. In 1886, under the leadership of the Reverend J. M. Franklin, Sabine Lodge founded a High School at Fort Jesup to bring the benefits of higher education to the community and also to educate at the expense of the fraternity the children of the deceased Master Masons.¹²⁵

On May 5, 1887, the Sabine High School Society was formally chartered by members of Sabine Lodge;¹²⁶ the following trustees, meeting for permanent organization, appointed a building committee to construct and organize the Fort Jesup Masonic Institute: J. Fisher Smith, President, the Reverend J. M. Franklin, Vice-President; J. H. Caldwell, Secretary; Leslie Barbee, J. H. Tynes, J. W. Winn, L. B. Gay, F. Jennings, J. D. Stille, W. D. Broughton and S. T. Sibley. They provided for quarterly meetings; on August 13 the Reverend Mr. Franklin employed to solicit contributions, reported "results flattering;" and the board proceeded to authorize the construction of additional buildings for school purposes. The writer's father, Professor Thomas Rollins Hardin, a graduate of Transylvania University of Kentucky, in the Class of '74, was chosen to head the faculty as President of the Institute. He was no stranger to the region. Born in Barbour County, Alabama, in 1849, he had come in

¹²⁵ *History of Sabine Parish*, pp. 169-271, by Jno. G. Belisle, 1912.

¹²⁶ Book M, p. 633, Records Sabine Parish. *Biographical and Historical Memoirs of Northwest Louisiana*, p. 475. Also, James William Mobley, *The Academy Movement in Louisiana*. (Thesis, La. State Univ. 1930, Hill Library, pp. 281-283, 404.)

the westward trek with his parents, by water, when eight years old, to Old Trenton, Louisiana, on the Ouachita, and later to Old Shiloh, in Union Parish, Louisiana. At the age of fifteen he had enlisted in Company I, 28th Louisiana Infantry; he participated in the Red River campaign, fighting at Mansfield and at Pleasant Hill, not far from Fort Jesup. After the war he had entered Transylvania as the nearest school to reopen, and had finished there by teaching during the summer seasons; after graduation he had continued to teach in Kentucky, until, returning in 1887 to Sabine Parish to visit his father, who had moved there meanwhile, he was asked to head the new school. It was a pioneer effort in higher education. Its "Departments of Study" as shown in a greatly valued copy of its "Register" for 1889-90 in the writer's possession, consisted of a Primary, an Academic, and a Collegiate Department, corresponding to Grammar School, High School and College, with a formidable curriculum. There were four years of Latin, including Horace and Livy; three of Greek, through Thucydides and Demosthenes; four of mathematics, including trigonometry, analytical geometry, calculus and astronomy; physics, and natural history; and two years of French and German. Besides, there was a commercial department. Degrees of Bachelor of Science and Bachelor of Arts were conferred. The school was both day and boarding school, with tuition for day students at \$20.00, \$35.00, and \$40.00 for each of the departments for the full term of forty weeks, with extras for the commercial and music courses; and for boarding students the cost was \$116.00 for the Academic and \$121.00 in the Collegiate Departments: "This includes board, fuel, and tuition. Lights will cost about .25 cents per month, and washing can be obtained at \$1.25 per month." The further announcement was made that "It is a parish of local option, strictly enforced, no whiskey being sold nearer than nine miles. There are two mails a day, and a store to supply the necessities of life; but aside from these it is absolutely country—not a single thing to allure or attract the students from their studies." One hundred and seventeen students were enrolled in this Register.

The Register contains the following "History":

"This school was regularly chartered under the laws of Louisiana on the 5th of May, 1887; the objects of the association, as expressed, being to establish and maintain a college at this historic place, "Old Fort Jesup." The

idea of establishing a college had its origin with some of of the members of the Masonic fraternity of Sabine Lodge No. 75. Now we find it has culminated in the erection of the substantial and magnificent buildings, capable of accomodating over 200 pupils, and a credit and an honor to any community.

"This is already hallowed ground. The name of Fort Jesup has today a place in history. Some of our greatest men have resided here. The footprints of General Grant and of Jefferson Davis were made upon this soil in their youthful days. Upon this very spot where the college buildings now stand once stood the residence of General Taylor, and the same well which was dug by his orders and furnished him water today furnishes water to the pupils of this institution. The pen has succeeded the sword—a stronger, mightier weapon to fight life's battles with."¹²⁷

The minutes of Nov. 16, 1888 record that the land to be occupied by the College had been procured by deed and that the sum of \$3623.00 had been subscribed. On December 3, 1888, there was published the first annual report of J. Fisher Smith, President of the Board of the Sabine High School Society and President of the Board of Directors of the Fort Jesup Masonic Institute, "elected one year ago":

"Here we place within the reach of all the young men and young ladies of our country a regular collegiate education. Every department is well managed and well conducted, and we feel that the day is not far distant when the Ft. Jesup College in character will rank with any in this portion of the State."

"When the present Board of Directors were selected a year ago a debt of \$821.15 rested against the College. This through the assistance of kind friends has all been paid. The buildings were found inadequate to answer the purpose of the College, and we therefore had erected on the college grounds an additional building, eight rooms in the upper story, and the lower floor capable of accomodating fifteen hundred people, to be used as a session hall. This building was erected at a cost of \$1400.00, all of which has been paid except \$137.00, and this amount, with \$134.00 for lands purchased, or a total sum of \$271.00, is all the debt."

¹²⁷ We have already had occasion to note and correct this traditional reference to Jefferson Davis. One well is now in the present Park, another caved in, is just across the road. However, the famous so-called "Zachary Taylor Well" 12 feet in diameter and many feet deep, now badly neglected and partly filled with trash, is located just off the south line of Highway No. 6, four-tenths of a mile east of the Fort Jesup store.

On April 13, 1889, the trustees authorized the closing of the session on June 7, to be reopened on the first Monday in September. On May 15, 1889, five more acres of land were purchased and one more donated. The session of 1889-90 passed without incident other than the marriage of the President to a member of his faculty, Miss Sarah Moore Fair, of Mansfield, which was celebrated at the college on February 23, 1890, to the great delight of the student body. On May 12, near the close of a successful term, arrangements for the annual commencement exercises were made.

During this vacation period the school lost two of its strongest friends; for on July 29, 1890, memorial resolutions were adopted upon the deaths of J. Fisher Smith and W. A. Ponder, with a resolution of a renewal of support to the Institute. "Rules" were also adopted; prohibiting the use of intoxicants by students (unless prescribed by a physician), and the use of profane language in or about the school buildings, or while going to or from same; and stating that fighting and quarrelling would not be allowed. Violations were punishable by reprimand, suspension or expulsion.

On September 13, 1890, shortly after the opening of the new term, President Hardin reported to the trustees that "the school is in a flourishing and prosperous condition." The next annual stockholders' meeting of the Fort Jesup Masonic Institute was held on January 15, 1891. On March 28 President Hardin informed the board that he would not return the following session. Preparations were made for selecting another President; these resulted in the selection on June 29 of Professor Allen D. Cardin, at a salary of \$100.00 per month. Professor Cardin was destined to serve the school most capably for five years, until his retirement; and with that event the school itself changed its existence.

On June 5, 1891, diplomas for the first graduates were recommended by President Hardin to the following: Bettie Fisher Smith, Alice M. McNeely, Ida E. Hardin, Effie D. Barbee. A summer school was held during that summer, and a primary teacher was added at a salary of \$40.00 a month. Following the fourth annual meeting of the stockholders of the Sabine High School Society on January 5, 1892, Mr. J. W. Taylor was elected President of the Society and of the Board of the Institute. Mr. Taylor was one of the most active supporters of the

College, and under his administration it continued to flourish. He had been Secretary of the Board from its organization, was a most earnest member and officer of Sabine Lodge, and continued the custody of the records of the Institute until his death at the age of 92, at Shreveport, on the 7th day of October, 1930. It is from these records now in the care of daughter, Mrs. Grace Ward, of Shreveport, that this portion of this history is written. Mr. Taylor was an example of a transplanted northern man who was popular and successful in the South. Born in Berea, Ohio, July 26, 1839, the son of a Methodist minister, he moved with his parents first to Arkansas and later to Kansas, whence he enlisted in an Ohio regiment in the war between the States, achieving the rank of lieutenant and serving until 1864. In 1884 he moved to Fort Jesup, whence he was elected a member of the state legislature, and of the parish school board; later he moved to Robeline. During his residence at Fort Jesup in 1907, he was instrumental in having the remains of the soldiers buried there in un-marked graves removed and re-interred in the National Cemetery at Pineville.

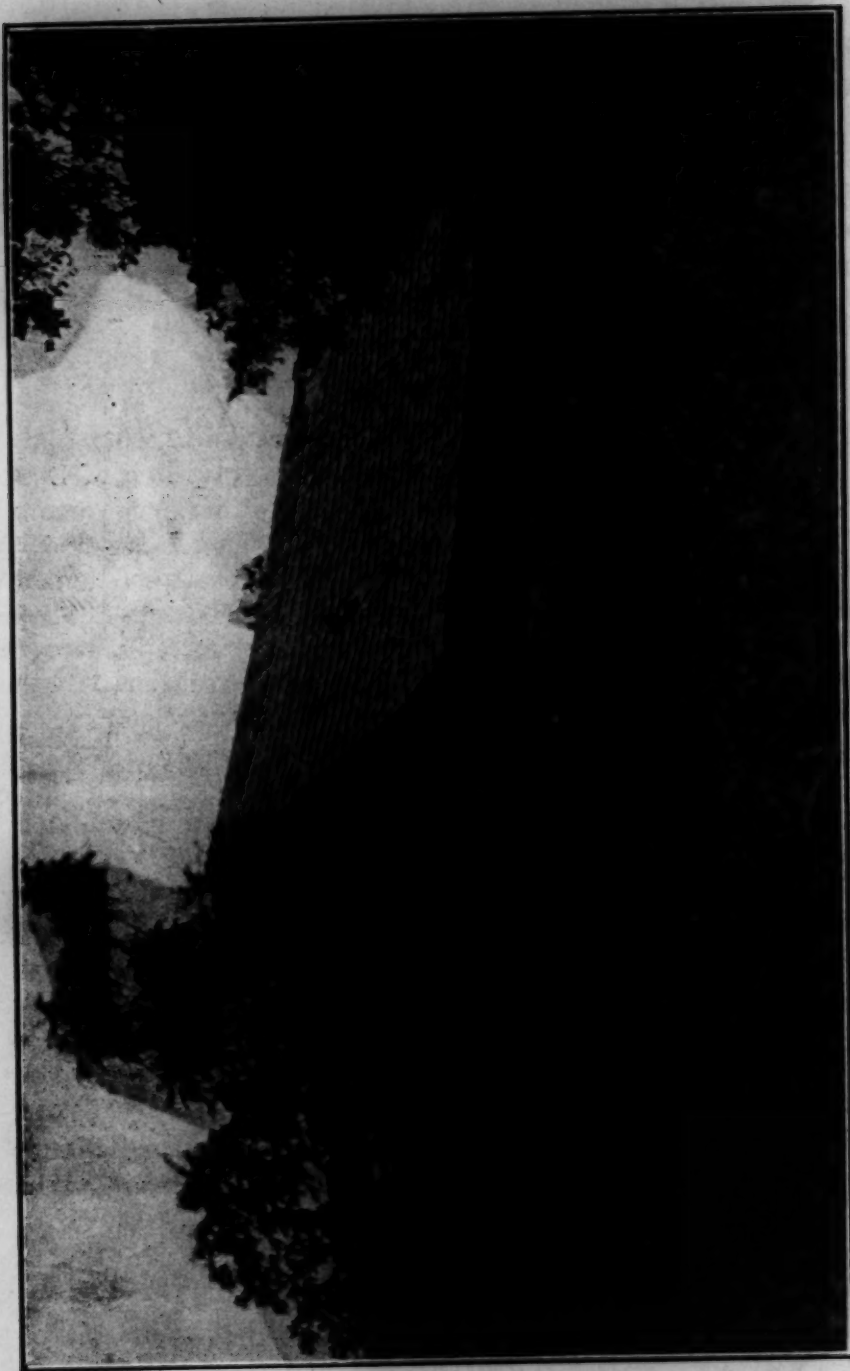
Through the sessions of 1893 and 1894 the school continued to thrive, reaching perhaps its high tide with the end of the session of 1894, when Professor Alcee Fortier delivered the commencement address. The support of the stockholders began with that session to grow less, and on March 9, 1894, the board agreed to sell to Professor Cardin the boarding department and six acres of land, and to lease the remainder of the land, upon condition that he continue the school for ten years as a private enterprise. This transaction was followed on March 23, 1895, by Professor Cardin's resignation as president of the Institute, and with this act, the institution ceased to exist as such. Meanwhile, sentiment in favor of public education had been growing throughout Louisiana and had gathered strength in Sabine Parish. On May 23, 1896, Professor Cardin agreed to waive his lease in favor of the public school board of the parish, thus opening the way for negotiations for a central high school at Fort Jesup. This was consummated in June by Professor Cardin's surrendering his lease; and on June 15, 1896, the board of the Sabine High School Society and of the Fort Jesup Masonic Institute formally donated all buildings and grounds to the parish school board, which action was formally ratified by the stockholders on July 2, 1896. Thus

the first public high school was established in Sabine Parish in the same year that the Kansas City Southern Railway came through Many, five miles west of Fort Jesup. The building of this railway sealed the doom of the Fort Jesup community as a business center. The Fort Jesup High School continued until the destruction of the buildings by fire in July, 1907. A grammar school is now maintained on the old site.

CHAPTER XIX.

THE RESTORATION AND PRESERVATION OF FORT JESUP

GRADUALLY the population of Fort Jesup drifted to other towns along the railroads, and until the recent gravelling of State Highway No. 6 between Many and Robeline, it was regarded as quite inaccessible. Now that route, following closely the old San Antonio Trace, has been hard-surfaced. After the subdivision and sale of the lots and buildings in 1850, 1875, 1880 and 1885, the the great stone and log garrison structures were gradually torn down or removed, or yielded slowly to the ravages of time. By the winter of 1929 only one of the original structures remained, one of the kitchens marked L on the accompanying map. It was in a most dilapidated condition, the roof being almost gone, the floor entirely so, and, greatest danger of all, the foundation giving away so as to threaten collapse of the whole, though most of the timbers were still sound after more than a hundred years. The writer visited the old site a number of times, drawn by family associations and the pathos of an historic ruin. Already there was some stirring of interest in its preservation. In March, 1927, Pelican Chapter, Daughters of the American Revolution, of Shreveport, had suggested to the State Conference at New Iberia that Fort Jesup be marked. The Eighth District Federation of Women's Clubs met at Many on April 23, 1929, was entertained at the site, and expressed interest in its preservation. The Women's Clubs of Many, including the Athena Delphian Club, and others not members, have always been interested in the site. Again, at the State Conference of the Daughters of the American Revolution in March, 1929, at Shreveport, Pelican Chapter again stressed the importance of Fort Jesup, and Mrs. W. E. Wallace, State Chairman of Historical and Literary Reciprocity read an interesting sketch of its history by Mrs. Valentine Bryan. This



The remaining building at Ft. Jesup before restoration—in 1927.

was given wide publicity. The State Regent, Mrs. G. G. De-Coligny, appointed a Committee composed of Mrs. Bryan, Mrs. Wallace, Mrs. C. E. Rew and Mrs. W. S. Buchanan to cooperate with civic clubs of Many in effecting the marking of the site. Suggested by this activity, the offer was made to this committee of the Daughters of the American Revolution, who accepted the presentation, of a bronze historical tablet erected on the site as a memorial to Professor Thomas Rollins Hardin and his wife, Sarah Moore Fair Hardin. On December 5, 1929, this tablet was erected, with permission of the Police Jury of Sabine Parish and the State Highway Commission, on the right-of-way of State Highway No. 6, which follows generally the Old San Antonio Trace from the site of the old Presidio of Los Adais near Robeline, through Fort Jesup. It was formally presented to the people of Sabine Parish by Mrs. G. G. DeColigny, State Regent of the Daughters of the American Revolution, and accepted by Mrs. G. C. Reeves, wife of the Superintendent of Public Education of Sabine Parish, as chairman of a Committee composed of Mrs. W. M. Knott, Mrs. I. L. Pace, Mrs. R. Pattison, Mrs. O. E. Williams, Mrs. E. M. Fraser, Mrs. Alice Nash, Mrs. D. D. Williams, Mrs. H. H. Kennedy and Mrs. S. D. Ponder, who have worked untiringly toward the consummation of the work of preservation and marking of this site. The previous April this committee had procured the aid of the late Congressman James B. Aswell in the attempt to get Federal aid in marking the site in accordance with the provisions of the Act of June 11, 1926, "To provide for the study and investigation of Battlefields in the United States, or other adjacent points of historic or military interest, for commemorative purposes," and through his efforts the Secretary of War ordered an inspection made. At the time of the dedication of the tablet, deeds of donation to Sabine Parish were presented from the late P. E. Wells, member of the Police Jury of Sabine, and Philip A. Koonce, Homer Koonce, and Mrs. Claudia Koonce Matlock conveying Lots 20 and 21 of the Subdivision of the South Half of Section 4, Township 7 North, Range 10 West, Sabine Parish on which stood the remaining stone pillars and log kitchen of the garrison buildings.

Following this gift, on December 11, the Police Jury of Sabine Parish by formal resolution accepted the donation of the above property and appropriated the sum of eight hundred dol-

lars to restore the building. This was subsequently increased to eleven hundred dollars, and many donations were procured from individuals and firms in Sabine Parish and in Shreveport, making it possible for the old building to be completely and faithfully restored, the park enclosed in a neat fence, walks laid, gates installed, and a flag pole erected. The restoration of the building under the supervision of Messrs. Tudor and Ratcliff of Alexandria, who contributed their services, was skillfully carried out by Mr. John R. Fisher, replacing the roof with hand-riven cypress boards, rebuilding the old rock chimney, replacing decayed members with sound hewn logs in walls, restoring sills where needed, using the original hand-wrought hinges on doors and windows, and fashioning wooden latches for them in keeping with the whole. A new floor of rough oak boards was laid, and the stone foundation was replaced. It was found by Messrs. R. A. Fraser and Gasway German that Lot 22, containing .44 acre adjoining Lot 21, had never been sold by the Government; the withdrawal of that from entry was procured and it was incorporated in the Park, which thus contains about three acres. Sheriff W. F. Skinner used parish prisoners in clearing off the park, hauling materials and erecting the fence, under the supervision of the Parish Agricultural Agent, Mr. E. F. Fletcher. In addition to giving Lot 19, Mr. Wells also donated a widened right of way along the road leading from Highway No. 6 to the park, and the Police Jury and the State Highway Commission placed this road in good condition.

On December 28, 1929, Colonel H. L. Landers of the Historical Section, Army War College, made the inspection under the Act of Congress, resulting in the favorable recommendation by the Secretary of War for the erection of a marker on the site by the federal government at a cost of \$5000.00,¹²⁸ and this appropriation is now the subject of House Bill No. 8875, introduced by Mr. Aswell, and of House Bill No. 4722, 72nd Congress, Session 2, 1931, introduced by Mr. Overton.

Thus has Fort Jesup had its part in the shaping of the southwestern frontier of the United States, in providing the mobilization point for the American Army in the Mexican War, in touching briefly important actions in the war between the States, in

¹²⁸ Sen. Doc. 229, 71st Cong. 3rd Sess. Dec. 10, 1930. Hearings before the Committee and Sub. Comm. No. 8 of the Comm. on Mil. Aff., Ho. of Rep. 71st Cong. 2nd Sess. on Mar. 21 and Feb. 8, 1930, on establishment of Natl. Mil. Parks, p. 61, G. P. O., Wash., 1930.



The remaining building restored—1931.

contributing to the beginnings of better education in Sabine Parish, and its region of the state, and finally in inspiring the people of Sabine to dedicate its historic site for the future as a park in commemoration of its treasured past, the first such park to be established, under the Act of Congress, in Louisiana.

The photographs of Fort Jesup before restoration are by Mr. Leon Booth of Shreveport. Reproductions of these and of the maps were courteously made by Mr. P. E. Dozier of the Shreveport Engraving Company, of Shreveport.

I am indebted to Professor S. M. Byrd, head of the Department of English of the Louisiana State Normal College, of Natchitoches, for valuable local information, accurate location of sites and checking of distances, and painstaking reading and correction of manuscript.

(The End)

NEW ORLEANS AND THE WAR OF 1812 Co

By REED MCC. B. ADAMS
New Orleans, La.

FOURTH INSTALLMENT

(Continued from October, 1933, Quarterly)

CHAPTER IV.

BRITISH INVASION AND LOCAL PREPARATIONS

THE PROSPECTS for success for the invading British before the arrival of Jackson in New Orleans were favored by the unsettled conditions which obtained everywhere. The Santo Dominicans were comparatively new arrivals and possibly disloyal; an English faction was expected to support the invaders; the Spanish were unreliable; the Baratarians, even after their base was destroyed, were considered dangerous;¹ and the French population was supposed to be divided in its sympathy between the Bourbons and Napoleon. Furthermore the militia had consistently objected to serving under regular officers, possibly because of Wilkinson's poor example. Too, much was made of the rumors that the British would cause a slave rising. Chaotic political conditions did not improve matters any. Claiborne, who was honest, patriotic, and industrious, faced opposition both in the press and in the legislature, and moreover lacked the tact and the power necessary to make himself obeyed.² Only two things could have ever brought order out of this confusion: first, reliable information that New Orleans was to be invaded; and second, the arrival in New Orleans of a commander who could offer effective opposition to the invader. The Battle of Lake Borgne clearly pointed to New Orleans as the British objective, and Jackson's arrival in New Orleans gave New Orleans her hero.

Jackson was in every way the man for the occasion. His military talents were easily recognized by the manner in which he took active charge of the preparations for defense, inspiring

¹ Kendall, *op. cit.*, I, 98.

² Bassett, *Life of Andrew Jackson*, I, 154-60.

confidence in the most sceptical. His love of country was so intense that any disloyal consideration must fall before his presence. But it was the iron will and the energy with which he executed every plan that heated the blood of these American spirited people to the point where their devotion called but for one of two things: victory, or death.³ Before his arrival there there was wanting that concentration of power so necessary for the success of military operations. The civil and military authorities deserved little confidence; the Legislature wasting time and consuming the money of the State in idle discussions. Credit had been annihilated. To supply the want of specie one and three dollar notes had been issued, and dollars had been cut as a substitute for small change. The suspension of specie payment by the banks caused the moneyed men to draw in their funds, only lending it out at a usurious interest of three or four per cent. per month.⁴ There was some dissatisfaction too, with Jackson. He was called a military tyro, an impromptu general who had sprung out of the uncouth lawyer and the unlearned judge, who in arms had only the experience of a few months, acquired in a desultory war against wild Indians. This did not last very long, however, once the distrustful came in contact with Jackson and saw the temper of his spirit.⁵

The Legislature of Louisiana did all that its political nature permitted it to do. As early as the twenty-second of November, 1814, Roffignac, the chairman of the committee of defense, had presented a plan of defense, which was directed to be communicated to Claiborne, for the information of Jackson. This Jackson was soon able to receive in person, but found the reports of his engineers and his own personal observations more to the point. The real contribution of the Legislature was made on December 13, 1814, when the sum of seventeen thousand dollars, the remaining part of twenty thousand, which Claiborne had borrowed during the recess of the legislature, for the defense of the country, on account of the state, was directed to be applied, under the orders of Jackson, in procuring materials and workmen for the completion of such batteries and other fortifications as he had directed, and a further sum of eleven thousand dollars was appropriated to the same object. Claiborne was requested also,

³ Gayarré, *op. cit.*, IV, 379-80.

⁴ Latour, *op. cit.*, p. 53.

⁵ Gayarré, *op. cit.*, IV, 381-82.

to recommend to the planters of Orleans parish and the neighboring parishes, that they place as many hands as they could spare at the disposal of Jackson, to be employed on these fortifications. More hands were sent than could be used.⁶ Despite this assistance of the legislature, Jackson was anxious for its adjournment, and for the suspension of the writ of *habeas corpus*. Upon the rejection of Claiborne's suggestion to the legislature that they should declare it suspended,⁷ Jackson declared martial law in the following order:

Major-General Andrew Jackson, commanding the Seventh United States military district, declares the city and environs of New Orleans under strict martial law, and orders that in future the following rules be rigidly enforced, viz. Every individual entering the city will report at the adjutant-general's office, and on failure, to be arrested and held for examination.

No person shall be permitted to leave the city without a permission in writing signed by the general or one of his staff.

No vessels, boats or other crafts, will be permitted to leave New Orleans or Bayou St. John, without a passport in writing from the general or one of his staff, or the commander of the naval forces of the United States on this station.

The street lamps shall be extinguished at the hour of nine at night, after which time persons of every description found in the streets, or not at their respective homes, without permission in writing, as aforesaid, and not having the countersign, shall be apprehended as spies and held for examination.

Robert Butler,
Adjutant-General⁸

This proclamation did not add to Jackson's authority to do whatever circumstances required for the defense of the country, but was rather a solemn warning that the martial law of the United States would be strictly enforced.⁹ Its beneficial effects were felt immediately. The panic subsided, confidence returned, and cheerfulness was restored. Faction was rendered powerless; treason, on any considerable scale, impossible. As long as there was any

⁶ Martin, *op. cit.*, pp. 368-70.

⁷ Gayarré, *op. cit.*, IV, 402-03.

⁸ N. Niles, *Niles Weekly Register*, (Baltimore, from September, 1814 to March 1815), VII, 317.

⁹ Martin, *op. cit.*, pp. 371-72.

danger, no complaint was heard, and the people were united as one by the measure which was believed to be necessary and alone adequate.¹⁰ The legislature, not to be outdone in useful deeds passed an act December 18, 1814, prolonging the term of payment on all contracts, till the 1st of May next ensuing and providing various regulations on that subject.¹¹ This was felt to be advisable because the defense of the country required the absence of a number of citizens from their homes, interrupting business. Too, the obligation of performing military duty, precluded the possibility of fulfilling commercial engagements.¹²

On December 17, 1814, the legislature passed a resolution requesting Jackson to endeavor to procure an amnesty for such of the Baratarians as should enlist themselves to serve during the war, and earnestly recommended to the President of the United States, to grant them a full pardon. This had the effect of causing a considerable number of these people to come in and enroll.¹³ Lafitte, who was granted a guarantee of safety from Judge Hall so that he might get an interview with Jackson, won Jackson completely over so that he and his followers were entered into Jackson's forces and fully trusted. They later lived up to his every expectation.¹⁴ On the 18th of December, 1814, Jackson reviewed his forces in New Orleans, and was very much pleased with the showing which they made. At the end of the parades the following address was read to the militia by Livingston, one of Jackson's aides:

"To the Embodied Militia."

"Fellow-Citizens and Soldiers;

"The General commanding in-chief would not do justice to the noble ardor that has animated you in the hour of danger; he would not do justice to his own feelings, if he suffered the example you have shown to pass without public notice. Inhabitants of an opulent and commercial town, you have, by a spontaneous effort, shaken off the habits which are created by wealth, and shown that you are resolved to deserve the blessings of fortune by bravely defending them. Long strangers to the perils of war, you have embodied yourselves to face them with the cool countenance of veterans; and, with motives of disunion that

¹⁰ Parton, *Life of Andrew Jackson*, II, 61.

¹¹ Gayarré, *op. cit.*, IV, 412-13.

¹² Latour, *op. cit.*, p. 77.

¹³ Martin, *op. cit.*, pp. 372-73.

¹⁴ Bassett, *Life of Andrew Jackson*, I, 153; Gayarré, *op. cit.*, IV, 410-12.

might operate on weak minds, you have forgotten the difference of language and the prejudices of national pride, and united with a cordiality that does honor to your understandings as well as to your patriotism. Natives of the United States! They are the oppressors of your infant political existence, with whom you are to contend; they are the men your fathers conquered, whom you are to oppose. Descendants of Frenchmen! Natives of France! They are English, the hereditary, the eternal enemies of your ancient country, the invaders of that you have adopted, who are your foes, Spaniards! remember the conduct of your allies at St. Sebastian, and recently at Pensacola, and rejoice that you have an opportunity of avenging the brutal injuries inflicted by men who dishonor the human race.

Fellow-citizens of every description, remember for what and against whom you contend—for all that can render life desirable—for a country blessed with every gift of nature—for property, for life—for those dearer than either, your wives and children—and for liberty, without which country, life, property, are no longer worth possessing—as even the embrace of wives and children become a reproach to the wretch who would deprive them by his cowardice of those invaluable blessings. You are to contend for all this against an enemy whose continued effort is to deprive you of the least of these blessings—who avows a war of vengeance and desolation, carried on and marked by cruelty, lust and horrors unknown to civilized nations.

Citizens of Louisiana! The general commanding-in-chief rejoices to see the spirit that animates you, not only for your honor, but for your safety; for whatever had been your conduct or wishes, his duty would have led, and will now lead him, to confound the citizen unmindful of his rights with the enemy he ceases to oppose. Now leading men who know their rights, who are determined to defend them, he salutes you, brave Louisianians, as brethren in arms, and has now a new motive to exert all his faculties, which shall be strained to the utmost in your defence. Continue with the energy you have begun, and he promises you not only safety, but victory over the insolent enemy who insulted you by an affected doubt of your attachment to the Constitution of your country.

"To the Battalion of Uniform Companies.

"When I first looked at you on the day of my arrival, I was satisfied with your appearance, and every day's inspection since has confirmed the opinion I then formed. Your numbers have increased with the increase of danger,

and your ardor has augmented since it was known that your post would be one of peril and honor. This is the true love of country! You have added to it an exact discipline, and a skill in evolutions rarely attained by veterans. The state of your corps does equal honor to the skill of the officers and the attention of the men. With such defenders our country has nothing to fear. Everything I have said to the body of militia applies equally to you—you have the same sacrifices to make—you have the same country to defend, the same motive for exertion—but I should have been unjust, had I not noticed, as it deserved, the excellence of your discipline and the martial appearance of your corps.

"To the Men of Color.

Soldiers! From the shores of Mobile I collected you to arms; I invited you to share in the perils and to divide the glory of your white countrymen. I expected much from you for I was not uninformed of those qualities which must render you so formidable to an invading foe. I knew that you would endure hunger and thirst and all the hardships of war. I knew that you loved the land of your nativity, and that, like ourselves, you had to defend all that is most dear to man; but you surpass my hopes. I have found in you, united to those qualities, that noble enthusiasm which impels to great deeds.

Soldiers! The President of the United States shall be informed of your conduct on the present occasion, and the voice of the Representatives of the American Nation shall applaud your valor, as your General now praises your ardor. The enemy is near; his sails cover the lakes; but the brave are united; and if he finds us contending among ourselves, it will be for the prize of valor, and fame its noblest reward."¹⁵

In addition, Jackson might also have given praise to the aged and infirm who had constituted themselves into a veteran guard to maintain the police of the city and occupy the forts.¹⁶

From the 18th of December, 1814, Jackson's force was augmented daily. Major Hinds arrived with a troop of horse from the Mississippi Territory, and Coffee's brigade marched one hundred and fifty miles in two days with a force that had just covered eight hundred miles, to arrive in time to participate in the first engagement with the British. Carroll's Division left Nashville on December 19, 1814. On their way down they intercepted boats

¹⁵ Gayarré, *op. cit.*, IV, 406-08.

¹⁶ Walker, *op. cit.*, pp. 145-46.

laden with arms for Jackson at New Orleans. They were glad to take them and accept the responsibility for the safe delivery in New Orleans. When they arrived on the evening of the twenty-second, Jackson's force was ready for the British. The regulars were the 44th, under Colonel Ross, and the 7th, under Major Peire. These with Colonel McRea's artillery, numbered but eight hundred and eighty-four men.¹⁷ A committee was appointed by the legislature, at whose disposal they placed a sum of two thousand dollars, for the relief of the militia of the state, seafaring men and persons of color. They were also instructed to invite their fellow-citizens to make donations of woolen clothes, blankets, and such other articles, as, in case of attack, might be useful to the sick. Everything that could be done was being done for the comfort of Jackson's army, which by the time of the battle was between six and seven thousand men.¹⁸

The collection of his army in New Orleans did not cause Jackson to neglect the defense of all avenues of approach. As early as September 18, 1814, the Committee of Safety appointed by a public meeting had written to Jackson the following letter:

Sir, At a meeting of the Citizens of New Orleans and its vicinity held on the 14th Instant the subscribers were appointed a Committee to cooperate with the constituted Civil and Military authorities in the Defense of this place against the open attacks, or secret Machinations of the Enemy.

The performance of the duty assigned us naturally leads to a communication with the Commander in Chief of this District which we make by means of the Governor of the state who has expressed his approbation of our measures, and does us the honor to forward this letter. Altho in our resolutions and addresses, Policy and Duty have induced us to assume a tone of confidence necessary to animate the people and impose on the Enemy, from you sir we ought not to conceal, that the only hope of preserving this place in case of a serious attack lies in an efficient force to be furnished by you.

This Country is strong by Nature, but extremely weak from the nature of its population, from the La Fourche downwards on both sides (of) the River, that population consists (with inconsiderable exceptions) of Sugar Planters on whose large Estates there are on an average 25 slave (sic) to one White Inhabitant, the maintenance of

¹⁷ *Ibid.*, pp. 152-56.

¹⁸ Martin, *op. cit.*, p. 373.

domestic tranquility in this part of the state obviously forbids a call on any of the White Inhabitants to the defense of the frontier, and even requires a strong additional force, attempts have already it is said been detected, to excite insurrection, and the character of our Enemy leaves us no doubt that this flagitious mode of warfare will be resorted to, at any rate the evil is so great that no precautions against it can be deem'd superfluous. We have some strength of militia in the City but it is badly armed, and the same considerations forbid the removal of it from the immediate vicinity of the town. Under these circumstances we look to the forces under your command altogether (sic) for external defence and in a great measure for Domestic tranquility; that part of it which consists of the drafted Militia from the upper part of the state will suffice when organized for the latter object, but it will be some weeks before that organization can be effected and in the mean time we fear that the first appearance of attack would expose us to considerable danger, the mix'd population particularly of the City presents a source too from which we anticipate much evil, tho we cannot yet form any accurate idea of its extent. But tho' we consider our present force as inadequate to the defence of the Country its natural strength would render it impregnable if protected by a comparatively small force. In reviewing the several points of probable attack, we say nothing of that by way of Mobile and the lake Ponchartraine (sic), or the more circuitous one of Baton Rouge this is under your immediate inspection and therefore gives us no uneasiness, of the others we beg leave to take a rapid view which may possibly present some ideas that may have escaped your attention.

The first of these is the ascent of the River by the Balize; it presents many inconveniences to our Enemy and will not be attempted unless we are left entirely destitute of force. Two Thousand Men stationed between the City and the English Turn would be sufficient with heavy artillery on travelling Carriages, to prevent this approach by this route, especially if assisted by a few Gun Boats, and exposed to the danger of fire ships which the Current would carry among the fleet. We mention a position between the City and the English turn for this reason, that the same body would be ready to meet the Second and as we think a more probable point of attack by a landing at the *Chef Monteur* (sic) this point projects into Lake Borne (sic), is accessible to shipping and is connected by an (sic) high ridge with the City from which it is distant only five leagues, this place is at present wholly unfortified, tho' it

is susceptible of being so at a small expence (sic), and the ridge of communication between it and the City, is narrow and may be obstructed by Abbatis (sic)—so as to render the approach extremely difficult if not impracticable in the face of a very inferior force—there is also an approach by the Riviere Aux Chiens and the Bayou Terre Aux Boeuf (sic) these would be effectually guarded by a Fort at a place called La Fourche de Lisle. The Lake Ponchartraine (sic) and the Bayou St. John's (sic) is (sic) the only remaining point (sic) on this side, the fort at the Petit (sic) Coquille (sic), the Gun Boats if they resume their station and the same body of Men spoken of above join'd to the Governor and Militia of the town, would be sufficient on this side as the passage of the Bayou may in a few hours be rendered impassible by water; and the swamps render the approach by land little to be dreaded. On the West side of the River the first approach as we descend from the sea is by the Bayou La Fourche, this is navigable for armed boats up to the place where it forks from the Mississippi, it has little or no current, and the navigation is not difficult but it is narrow and may be easily obstructed, the banks are thickly inhabited by about Five Hundred Men used to the Gun, if they were inspired with a proper spirit, little need be apprehended from that quarter, but to guard against accidents One Thousand Men should be stationed about Mid Distance between the forks and the City, ready to march to the nearest point of the Bayou which there runs nearly parallel with the River, or to descend and cover the City should an attack be made by the last Route to which the Committee will call your attention, which is by Baritaria (sic)—here is a port occupied until lately by a number of Buccaneers (sic) under the Carthaginian (sic) flag, it is accesible only to vessels drawing about 10 feet (of) water and is capable of being strongly defended against any attack either from the sea or the Bayou and lakes by which it is surrounded, this port should be secured by a battery and two or three Gun boats. it communicates with the River by a series of Lakes and Bayous bordered by trembling prairies (sic), not more than 3-1/2 to 4 feet (of) water can be carried up to the heads of the bayous whence canals are cut communicating with the banks of the River opposite the town—this approach is naturally very difficult, and may at a small expence (sic) be rendered impracticable—a post with a few pieces of Cannon established at a place called the Temple and a blockhouse or two at the forks below would secure us on this side against a much superior force. The Grand Magazine for Powder together with the barracks on the

opposite side of the River are in the present state of things at the mercy of the Enemy should they make a *Coup de Main* this way, as they are guarded only by a small detachment of regular troops and by a Company of Militia relieved every day from the City. here about One Thousand Troops ought to be stationed, and this would complete the plan of defence which we take the liberty to propose against external attack which you will observe exclusive of the Garrisons of Plaquemin (sic), Fort Charles and about Five Hundred Men for the City, form a total of only Four Thousand Men which in our opinion would completely secure this place from any, but such an overwhelming (sic) force as will not probably be brought against it, and which at any rate, cannot be brought before we can receive efficient aid from above. A corps of One Hundred Cavalry divided on the two banks of the River would effectually repress insurrection, and if practicable we pray may be sent to us. A Battery was erected at the Balize and by order of General Flournoy abandoned, the reestablishment of this post, with a small guard would we think be of essential service in protecting vessels that are fortunate enough to enter the River against the Armed boats of the Enemy, and would serve as an advanced post to the Port (Fort?) of Plaquemin (sic), a Block ship anchored off the same place would also be extremely useful and the ship Louisiana tho' old and unfit for sea would answer this purpose . . .¹⁹

Jackson very sensibly rejected that part of the plan which called for the division of the forces of the State, preferring to concentrate the greater part near New Orleans.²⁰ There were six obvious ways of reaching the city described by Jackson's engineers: the River from its mouth; Chef Menteur; River aux Chiens and the Bayou aux Boeufs; the Bayou St. John; and, the Bayou La Fourche.²¹

The second day after his arrival in New Orleans Jackson had commenced a tour of the possible points of entry which might be chosen by the British. It first took him down the river to Fort St. Philip. There he ordered the demolition of the wooden barracks within the fort, several additional pieces of artillery to be mounted on the rampart, and a thirty-two pounder and a mortar in the covered way. He also ordered two batteries to be constructed, the one opposite the fort on the right bank, on the site

¹⁹ Bassett, *Correspondence of Andrew Jackson*, II, 51-54.

²⁰ *Supra*, pp. 74-75.

²¹ Bassett, *Life of Andrew Jackson*, II, 144-45.

of the former Fort Bourbon, and the other, half a mile above the fort, and on the same bank. These batteries were to be mounted with twenty-four pounders.²² The condition of the wooden barracks had been called to his attention by McRea early in September, 1814,²³ and Colonel Hayne in a report from the Balize, December 1, 1814, had recommended the erection of the fortifications which he ordered for Fort St. Philip, and in addition advised against any elaborate attempt to hold the Balize as a waste of energy²⁴ which it would have been, so many other ways of entering the Mississippi being offered to an invader in case he did not care to make the slight effort necessary to take that post. For this reason the defenses of the Balize were not strengthened by Jackson.

On his way up the river, Jackson inspected the works at English Turn under Morgan and found them being put into shape rapidly. By the time of the first conflict with the British on the night of December 23, 1814, Morgan had a detachment of three hundred and fifty men,²⁵ the fort being practically completed. The fortifications were Morgan's pet project which he had promoted from the time of his first inspection of the river defenses.²⁶

Jackson next proceeded to visit Chef Menteur, and having gone as far as the confluence of the bayou Sauvage and the river of Chef Menteur, he ordered the erection of a battery at that point.²⁷ When the news of the Battle of Lake Borgne and its results reached Jackson, he immediately reinforced this battery by ordering the militia battalion of men of color, commanded by Major Lacoste, and the dragoons of Feliciana, to proceed there with two pieces of cannon.²⁸ Should the British attempt to flank this position by way of the Rigolets, Captain Newman of the artillery, who commanded the fort of Petites Coquilles, which stood at the inner entry of the Rigolets toward Lake Pontchartrain, was ordered to defend his post to the last extremity.²⁹

The defense from invasion by the River aux Chiens and the Bayou aux Boeufs was taken care of by Morgan's force at English Turn. It was but a very short distance from where he was to

²² Latour, *op. cit.*, pp. 54-55.

²³ Bassett, *Correspondence of Andrew Jackson*, II, 46-47.

²⁴ *Ibid.*, II, 107-08.

²⁵ Martin, *op. cit.*, p. 375.

²⁶ *Supra*, pp. 75-76.

²⁷ Latour, *op. cit.*, p. 55.

²⁸ *Ibid.*, p. 64.

²⁹ *Ibid.*, pp. 64-65.

the spot where the road which lead to Terre aux Boeufs left the road which ran along the levee. The defenses previously undertaken at the Bayou La Fourche and Barataria Bay³⁰ were continued.

The British, in the meantime, had taken advantage of their command of Lake Borgne to land their troops on Pea Island, one of the Malheureux, lying at the mouth of the Pearl River. Learning from some fishermen and Spaniards that there was a bayou which approached within a few miles of New Orleans, Sir Alexander Cochrane sent Captain Spencer to the Fishermen's Village, near the mouth of Bayou Bienvenue, who taking Lieutenant Peddie, his second in command with him, went up the bayou and through Villere's Canal clear to the banks of the Mississippi. Disguised as fishermen they escaped detection, returning to report the way to be clear.³¹ At Pea Island there had collected deserters, traitors and refugees from New Orleans who left the city in full confidence that it was to fall. They represented that Jackson was an ignorant militia general, a tyrant, who was detested by the population, and who had no means of defending the city. But there were no Americans among them, and not a single citizen of New Orleans, or French Creole of Louisiana,³² full proof that Jackson had successfully captured the hearts and minds of the people whom he had come to help defend. Their evil work was annulled, moreover, by Mr. Shields, a purser in the Navy, and Dr. Morrell. When these gentlemen went to the British fleet immediately after the news of the Battle of Lake Borgne had reached New Orleans for the purpose of rendering what aid was possible to our wounded, they were detained by Cochrane, who considered their visit most untimely. While aboard the British ships they never failed to impress the British with what they made out to be, the great strength of Jackson and his wonderful state of preparedness.³³ Without a doubt the deliberation and and slowness of the British movements during their advance can be, in a very large measure, attributed to their fear of a force and a state of preparation greater by far than that which was actually present.

³⁰ *Supra*, pp. 75-76.

³¹ Walker, *op. cit.*, pp. 111-15.

³² *Ibid.*, p. 118.

³³ *Ibid.*, p. 111.

The British embarkation began at nine o'clock December 22, 1814. By rowing almost continuously all that day and night, they arrived at the mouth of bayou Bienvenue at daybreak. The next morning a detachment of eight men and a sergeant stationed at Fishermen's Village, a distance of a mile and a half from the mouth, spied the British approaching but were captured while trying to get away so as to spread the alarm, except for one man who escaped only to become lost in the prairies. After a ramble of three days he finally turned up at Chef Menteur. While the fact that this detachment was on the job lessens a charge of neglect considerably, the fact that they had not been placed there more than a few days before the arrival of the British is condemning.³⁴ A Mr. Ducros, one of the men taken prisoner, when brought before Admiral Cochrane and General Keane, stated that Jackson had from twelve to fifteen thousand armed men to defend the city, four thousand at the English Turn, and by a prearrangement the other prisoners confirmed this estimate, so that the poor fishermen were now entirely discredited.³⁵ Of course it is possible that the fishermen really thought Jackson had that number of men,³⁶ but at any event, the British were duped causing them to exercise a caution which ultimately lead to their undoing.

General Keane lead the way up Bayou Bienvenue until the British were at the entrance of Villere's Canal. From here Colonel Thornton went rapidly along the canal until coming to Major Villere's house, he succeeded in surrounding it. Major Villere though captured with the rest of those on the plantation, escaped and made his way to the river where he was joined by his neighbor Colonel de la Ronde who was also hurrying to Jackson with the news of the British advance. They quickly made their way to New Orleans and notified Jackson.³⁷ The British were settled in their position about noon, and except for a slight disturbance in the late afternoon due to a false alarm,³⁸ they were not molested until the arrival of the Carolina in the evening. If Keane had pushed forward, he might have been the first to announce his arrival to the surprised garrison and people

³⁴ Martin, *op. cit.*, pp. 373-74.

³⁵ Walker, *op. cit.*, pp. 123-24.

³⁶ Latour, *op. cit.*, pp. 82-83.

³⁷ Walker, *op. cit.*, pp. 125-28.

³⁸ Latour, *op. cit.*, p. 91.

of New Orleans. Without walls or available forts scattered over so wide a space, the city could only have been defended by a system of street guerrillaism the consequences of which would have been deplorable and heart-sickening.⁸⁰ But the false reports given by our captured men had proven fatal, and Keane was too apprehensive to continue further.

⁸⁰ Walker, *op. cit.*, pp. 130-31.

(To be continued)



RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA LIX.

September-December, 1746.

(Continued from July, 1933, Quarterly)

By HELOISE H. CRUZAT.

Marginal Notes by Henry P. Dart.

Memorandum by Editor of the Quarterly

The hereinafter named officials participated in the Sessions and/or took part in the work of the Superior Council of Louisiana during the period covered by this installment of the Index, viz:

de Vaudreuil, Pierre Rigaud	Lenormand, Marin,
Cavagnol, Governor	Deputy Sheriff
Le Normant, Sebastian Francois Ange, First Judge and	Raguet, Jean Baptiste,
Commissaire Ordonnateur	Councillor
Henry, Nicolas, Notary and	LeBretton, Louis Cesaire,
Clerk	Councillor
Fleuriau, Francois,	Lafreniere, Councillor
Procureur General	Cantrelle, _____
Chantalou, Augustin, Sheriff	Barbin, Francois Godefroy,
	Attorney for Vacant Estates

Sept. 1. 1746.
28650. fo. 31.
4226. 2 pp.

A husband and wife obligate themselves solidarily to pay a debt. It would seem the wife was permitted in this period to enter into such a contract.

Obligation for 2,650 livres by Francois Caüe and his wife Françoise de Villemont, to J. B. Bancio Piemont, wholesale merchant of New Orleans, holding procuration of Sr. Bourguine and his creditors for the recovery of sums held by Sr. de la Brosse, the said Sieur Caüe and his wife obligating themselves solidarily to pay the aforesaid sum in the course of the month of November, in piastres of 5 livres each, as he received it, furnishing mortgage security for said payment solidarily on their movables and immovables.

Signed: Caüe. de Villemont caüe. Chantalou, Lenormand. Henry, notary.

Document charred.

Sept. 1. 2½ pp. **Petition to Superior Council** by François Allevin, to be put in possession of a sum of three thousand livres, which the Council has held for him, as he has been emancipated and wishes to enjoy his goods under the authority of his Curator.

See Aug. 6, 1746.
An emancipated minor petitions for possession of his estate. See judgment Sept. 3rd and settlement Sept. 7th.

Signed: Allevin.

Authorization signed by mark of Michel Meilleur, Curator of Allevin, and by Jahan as witness.

Parties summoned before Council at its next session.
Signed: Lenormant.

Sept. 1. Notice of summons served on parties by Sheriff Lenormand.

1 p.

Sept. 3. Consent of the Procureur General that aforesaid sum be turned over to Allevin under authority of his Curator for his contract of apprenticeship after discharge given to Councillor Le Breton.

Signed: fleuriau.

Sept. 1. 1½ pp. No. 27. **Acknowledgment** by Pierre Ancelin and Louis Delaunay of having entered into partnership a sum of twenty thousand livres to be used in merchandise or liquors as shall be agreed, said sum being in possession of Ancelin who shall render account of the principal as well as of the profits thereon.

Partnership with a capital of 2,000 livres to be used in merchandise and liquors.

Sept. 7. Statement of purchases made from aforesaid funds covering brandy, flour, olive oil, plus payment made for rent of a cellar ("cave".)

No. 24. Bill due by Mr. Ancelin, wholesale merchant of New Orleans for the Cargo of the Boat the St. Francois du Petit Goave (detailed) total: 23920 livres.

Oct. 17. Statement made on arrival of the ship the Royal taken from the English; sugar and brandy. Sum used from capital: 19774 livres.

Dec. 20. Statement of profits (detailed) 1300 livres.
Receipt for sum of 13500 livres on account Dec. 19.

Sept. 3. 6 pp. **Session of Superior Council, Sept. 3, 1746.**
Were present Mssrs. Le Normant, First Councillor; Councillors Lafreniere and Le Bretton and Mr. Raguét, acting as Procureur General of the King.

Judgments rendered by the Superior Council

Marigny de Mandeville vs. Ignace Broutin. For plaintiff.

See Aug. 6, 1746.
See Aug. 2, 1746.

1. Between Sr. Antoine Philippe de Marigny de Mandeville, officer, plaintiff, vs. Sr. Ignace Broutin, in the name of and as having married Miss Magdelaine Lemaire, previously widow of Mr. de Mandeville, defendant: Seen the petition presented

by Sr. Antoine Philippe de Marigny de Mandeville, officer of troops in this Colony, the order and act of August 30th and 31st, on said petition, decision thereon delayed from the fact that the reporter not having presented his report. He was previously provided with a sum of 1000 livres to satisfy his creditors, he now asks for an addition of 1500 livres which he requests that Sr. Broutin pay him without delay, and keep account of same. Sr. Broutin said and declared that in the debts that Sr. Marigny owes different creditors he has answered for him to the amount due to Mr. Chambly and concludes that said amount be paid first on that which the Council may please to adjudge him on account of what may revert to him. Council orders Sr. Broutin to provide 1500 livres on account of what may be due to his stepson. Costs on Broutin.

Voisin vs. Chavannes.
For plaintiff.

2. Between Sr. Pierre Voisin, plaintiff, vs. Sr. Jean Baptiste Chavannes, defendant: Following decree of Council on August fifth in favor of plaintiff, Chavannes is sentenced to pay the sum of 47 livres, 15 sols, due for merchandise following memoranda of Mr. Voisin. Defendant to pay costs.

Hubert vs. Barbin, Attorney for Vacant Estates. For plaintiff.

3. Between Sr. Daniel Hubert dit La Croix acting under procuration of Mr. Duammill, of Mobile, plaintiff, vs. Sr. Barbin, Attorney of Vacant Estates, charged with succession of deceased Tison, cobbler of Mobile. Council orders Sr. Barbin to pay the note of 37 piastres, after which he will be given valid discharge. Costs to be borne by Succession.

Layssard Bros. vs. Deslorier. Default entered and defendant summoned to appear at next session of Council.

4. Between Layssard Bros. Plaintiffs, vs. Sr. Baudemont Deslorier, defendant: Judgment by default against defendant who shall be summoned before Council again. Costs pending.

Layssard Bros. vs. Blanpain. Judgment by default against defendant for plaintiff's claim.

5. Between Layssard Bros., plaintiffs, vs. Sr. Joseph Blanpain, defendant: Judgment by default against defendant who must pay 360 livres and costs.

Piemont vs. Blanpain. Judgment for plaintiff.

6. Between Sr. J. B. Bancio Piemont, plaintiff, vs. Sr. Joseph Blanpain, defendant: Council orders Blanpain to pay sum of 2349 livres, 5 sols, and to furnish 1175 deerskins as he obligated himself.

Chantalou, agent for Rasteau vs. Dubois. Judgment for plaintiff.

7. Between Sr. Augustin Chantalou, acting under procuration of Sr. Paul Rasteau, plaintiff, vs. Sr. Dubois, merchant of New Orleans: Sr. Dubois cited before Council, ordered to pay 1595 livres, 2 sols, 6 deniers, and 100 lbs. of sugar as carried on his note and interest thereon.

Chantalou vs. Judice.
Case continued.

8. Between Sr. Augustin Chantalou, plaintiff, vs. Sr. Nicolas Judice, defendant: Case adjourned, costs reserved.

Chantalou vs. Widow Dupre. Default entered.

9. Between Sr. Chantalou, plaintiff, vs. Widow Durcy, now wife of Dupre, indigo maker, defendant: Judgment by default against defendant, costs reserved.

Chantalou vs. The Pilot of the Belize. Default entered.

10. Between Sr. Chantalou, plaintiff, vs. the pilot at the Balize, defendant: Judgment by default against defendant; order that he be cited before Council at its next session and costs reserved.

Chantalou vs. Christina. For plaintiff.

11. Between Sr. Chantalou, plaintiff, vs. Nicolas Cristina, defendant: Order to defendant to pay sixty-five livres and interest thereon and to bear costs.

Chantalou vs. Roujot. Council orders parties to confer. Meantime judgment withheld.

12. Between Sr. Chantalou, plaintiff, vs. Sr. Francois Roujot, defendant: The Council considering defense of the parties sends them to confer together. Costs reserved.

Will of Thomas Desoriers homologated.

13. Tomas Lafevre, petitioner for homologation of will of Thomas Desoriers made before notary, August 29th:

Council on conclusions of the Procureur General of the King, orders homologation of said will, for execution in its form and tenor.

The Council homologates advice of family meeting and approves appointment of tutor and special tutor to the minor Jean Francois Cousin.

14. Between Francoise Renard, Widow of Pierre Cousin, petitioner for homologation of advice given in default of relatives on date of August 17th, by friends of Jean Francois Cousin, minor child of said Francoise Renard. Council has homologated said election of Francoise Renard as natural tutrix and of Jean Conard as special tutor.

Sept. 3.

Judgment rendered.

Chaperon, tutor of minor Larche vs. Tixerant. Default entered and defendant cited to appear at next meeting of Council

Excerpt from Registers of the Superior

Council of the Province of Louisiana: Decision of Council in case of Joseph Chaperon, acting as tutor of minor child of Joseph Larche, plaintiff, vs. Sr. Louis Tixerant, defendant: Council has ordered citation of said Louis Tixerant to

be ordered to pay 1400 livres for hire of slaves of succession of deceased Larche for one year, due on sixteenth of last August. Judgment by default and order to cite again at next session of Council. Costs reserved.

Signed: By the Council.

Sept. 3.

No. 1078. 2¼ pp.

Le Bretton retired.
See Aug. 6, 1746.

Judgment ordering Le Bretton to pay the emancipated minor Allevin the sum of 3000 livres.

vin giving him valid

1. Judgment in case of Allevin vs. Le Bretton and others. Homologation of emancipation of Francois Allevin and authorization to direct his affairs under his Curator, one Meilleur. Following said emancipation Council orders that the sum of three thousand livres be remitted to Francois Allevin by Sr. Le Bretton, Allevin giving him valid discharge. Costs on Allevin.

Dupre is appointed tutor of the minor Durcy on advice of family meeting.

2. Between Sr. Du R—, called Dupre and his wife Françoise Durcy, by him authorized to election of a tutor and under tutor to minor children of deceased

Durcy: Council has homologated election of Dupre as tutor and orders that minors bear costs.

Chaperon vs. Tixerant.
Default entered.

3. Between Joseph Chaperon, plaintiff, vs. Louis Tixerant, defendant: Council has given judgment by default against

Tixerant and ordered him to be cited again at its next session. Costs reserved.

Certificate given to Larche of his demand for payment.

4. Certificate given to Larche* of his demand and presentation of bill and order for debate before Mr. Raguet, as

Commissioner on this case. (Document charred.)

* This Larche was a brother of deceased Joseph Larche.

Sept. 3. 1 p.

The Council reprimands a free negress for holding assemblies of slaves and servants at night.

Free Negress named Jeannette cited before the Council, for holding assemblies of slaves and servants, at night, for supper. The Council reprimanded and admonished her with order not to repeat the offense under penalty prescribed. (No signature.)

Sept. 4.

3½ pp.

A building contract for the erection of a saw mill on the opposite bank of the river adjoining Mr. Pradel's plantation.

The plan referred to is not in the file. This we believe is the first contract of this character that we have found in the files. It has an economic value.

Contract passed before Notary between Sr. Nicolas Godefroy Barbin and Sr. Charles Le Moyne (Lemoine) for construction of a saw-mill, on the opposite bank, adjoining Mr. Pradel's plantation, which he acquired from Mr. Gregoire Volant. The saw-mill is to have two saws as may be seen by annexed plan; it is to be situated on a canal on said tract which Sr. Barbin has agreed to have cleaned at his expense; Sr. Lamoine is held to make all the flooring and rafters, which will be

manufactured by said mill as soon as mounted, Babin obligating himself to furnish all the iron tools and nails, Lemoine being held only to the workmanship. To hasten the work Barbin shall provide four slaves: Leveillé, Mathurin, Calenguay

and febuil (?), who will not be taken from this work for any other, Barbin himself agreeing to help him to put up the frame work and other heavy works. He also agrees to furnish two negroes to run the mill and to make unforeseen repairs, in motion works or wheels. Lemoine shall be nourished, as he has been to this date, at expense of Barbin. It has moreover been agreed between the parties that in the event of Mr. Barbin's reselling; he will be held to pay one third of the workmanship to Lemoine as a gratification and also that he shall leave a slave to oversee the joiners and a double set of joiners' tools.

Signed: Barbin, Chantalou, Lemoine, Henry, notary.

Document stained, perforated, with curled edges and margin torn.

Sept. 7. 28669.

fo. 31. 4229.

4 pp.

See Aug. 6, 1746.
Settlement between Le
Bretton and the emanci-
pated minor, Allevin

Discharge to Councillor Le Bretton by Francois Allevin, natural son of deceased Francois Allevin, emancipated by decree of Council on the 3rd inst., under curatorship of Michel Meilleur, cobbler of New Orleans, for payment of three thousand livres intrusted to him in January, 1740.

Signed: Allevin Le Bretton (paraph). Chantalou (paraph). Jahan (paraph). Henry, notary.

28672.

July 9, 1748. Acknowledgment by Francois Allevin that he received from Michel Meilleur the sum of two thousand, three hundred livres, in piastres of five livres each, which he received from Monsieur Louis Cezard (Césaire) Le Bretton, following act and from other parts, viz: 100 livres for his apprenticeship as cobbler, as per certificate for said trade, July 13, 1746; 1900 livres counted out to said Allevin by Meilleur for his support during said apprenticeship, wherefore said Meilleur is validly discharged from said obligation.

Signed: Allevin. Chantalou. Henry, notary.

Sept. 7. 28673.

fo. 31. 4230. 1 p.

Notarial promise by Louis
Cezaire Le Bretton to
pay Michel Meilleur, a
cobbler, 1500 livres in
300 piastres.

Obligation to Meilleur by Mr. Louis Cezard (Césaire) Le Bretton, Chief Secretary of the Marine, acting as Comptroller in this Colony, who has acknowledged his indebtedness to Michel Meilleur, cobbler of New Orleans, for the sum of 1500 livres in 300 piastres which he promises and obligates himself to pay to said Meilleur in the course of the month of September, 1747, stipulating mortgage security on his movables and immovables, electing his domicile on his plantation in this Colony, the above passed in the presence of Srs. Augustin Chantalou and Francois Jahan, signed by Le Bretton, Jahan, Chantalou and the notary undersigned: Henry, notary.

28674. (No date). Certification by Mr. Henry, notary that Mr. Le Bretton in his presence, paid Sr. Meilleur 500 pistoles on account of his obligation and the 500 livres. Meilleur declared that he did not know how to write nor sign, Signed: Henry, notary.

Sept. 10. 28821. **Total for material** furnished and labor amounts to sum of 5,500 livres, Mr. Dupont asserting that he has all iron necessary for said building; 30,000 bricks are required which the Contractor will charge to account of Mr. Dupont.

Adjustment between Joseph Villars du Breuil and Sr. Dupont under agreement dated Sept. 10, 1746 for construction of a house for DuBreuil.

This is a document of interest to those engaged in the study of such matters in New Orleans in 1746.

Detailed account for masonry, cost of bricks, lime, sand, cartage, flooring, fences and carpenter work and labor.

Agreement between MM. Joseph Villars Du Breuil and Le Kintrek Dupont, to which they will both be held, the whole to amount to the sum of 5,500 livres in specie of the time, receipt given for 1500 livres paid on account, complete payment to be made in January, 1748. Passed before notary, at New Orleans, Sept. 10, 1746, and signed: Du Breuil. lekintrek. Document in good condition.

Sept. 14. 28676. **Declaration** in Registry of Superior Council by Antoine Maniere, manager of Sr. Puget, reporting death about eight days previously of one Charles Rou—, who came as a child to the Colony at the plantation of Sr. Jousset de la Loere. He went for a pirogue two leagues lower than the

Report of drowning of one Charles Rou in the river off the plantation of Jousset de la Loere.

said plantation and returned in it fired six shots with his gun in order to awaken a negro on said plantation near midnight. He declared that he saw neither the young man nor the pirogue, which was found later a half league lower down, without any one in it. He reported this on boat commanded by Sr. Prevost. The following Sunday the corpse was found on the river bank without any wounds, this declaration made to serve as need may be.

Signed: antoine Maniere.

Henry, Greff.

Document badly charred, and perforated in many places.

Sept. 22. 2 pp. **Answer** before Superior Council by Sr. Du Breuil Villars asking to be discharged in suit Sr. Rondeau has instituted against him for damages to his pirogue, which is all due to its being struck by driftwood

Answer of Sr. DuBreuil Villars to suit of Sr. Rondeau for damages to a pirogue.

and its faulty construction. Signed: Du Breuil.

Stained margins, ragged and torn. Other papers in the record are:

Copy of petition of Aug. 30 of Sr. Rondeau.

Certificate of Sr. Barbin dated April 14, 1746, that he lent his pirogue to Madam Rondeau in place of hers, which he had lent to the Governor for his indigo crop and as he had not returned it, Barbin remitted to Mr. Du Breuil that of Madam Rondeau which was broken by driftwood; it carried 60 barrels and had an iron bound rudder. Signed: Barbin.

Sept. 27. 28682. **Act** passed before Notary Royal of transfer by Aufrere of a plantation to his daughter

4233. 1 p.
Transfer by Aufrere to his daughter Mrs. Pery.

Francoise Pery, vendor declares he acquired it so that it might come to her as her dowry rights, in her marriage to Sieur

Gerard Pery. Sr. Aufrere renounces all pretensions to said plantation and buildings thereon and improvements, on this day, month and year in the presence of Srs. Marin Lenormand, and Augustin Chantalou, witnesses. Signed: Aufrere.

Sept. 28. 28683. **Declaration** in Registry of the Council by fo. 3. 4234. 1 p.

J. B. Prevost reports a runaway slave.

Jean Baptiste Prevost, Agent of the Company of the Indies, that one of his young negroes named Renault ran away from the City yesterday, without his knowing

where he went, and he makes this report in order that he be taken and dealt with according to the exigencies of the case. He declares that he cannot sign owing to a sore hand. Signed: Henry, Greff.

Oct. 18. 11½ pp. **Complaint** made by Sr. Delaunay, Guardian

Accusation by Delaunay, guardian of the King's store in New Orleans against Sr. Ozias for assault and abuse. Description of the keys of the store.

of the King's store of New Orleans, against Sr. Ozias for assault and abuse. He demands the services of the Procureur General of the King and asks that his complaint be certified. He directed Francois Roujot, employed in the King's store

to deposit in the Registry the keys of said store. One engraved with the figure of an anchor, the other with four notches, split top and bottom, which were sealed by said Roujot with impression hereto annexed, (not found). This is the minute of the Registry signed only by Henry, Greffier.

The original complaint was signed by Delaunay, Fleuriau and Henry, Greff.

Oct. 18. 3 pp. **Petition** to Superior Council by Sr. Delaunay, Guardian of the King's store, stating

Petition elaborating the foregoing entry.

that whilst in the exercise of his duty, he was assaulted and insulted in the

King's warehouse, and bruised and bleeding, he was aided by four fusileers from the premeditated attack of Sr. Ozias. He

demands investigation by the Procureur General and asks for a decree of bodily apprehension against Ozias, copy of this petition to be deposited in Registry with certificate of Sr. Guédon, Surgeon, and of Mr. Prat, physician, to be annexed to it.

Signed: Delaunay.

Order to communicate to Procureur General.

Oct. 18. Demand for investigation. Signed: fleuriau.

The Procureur General orders an investigation of the foregoing complaint and notifies several persons to appear as witnesses.

Notice served on Couvy lodged at the Barracks, La Rose, soldier, Dalpsche, soldiers of Macarty's Company, Coutoir, soldier of De Blanc's Company, to appear in Council Chamber before Councillor

Raguet to testify in the investigation demanded by Sr. Delaunay. Notices served by Lenormand.

Nov. 1. 28739. fo. 31. 4243. 1 p.

Conrad Leveque in a notarial act promises to move back a worthless house in New Orleans within two years or earlier if so ordered.

Act passed before Notary Royal of Conrad Leveque's promise to demolish or remove backwards to the distance that shall be ordered a worthless house, coming to him from his wife's succession, within two years, or before that time if so ordered, and if the other residents are obligated to demolish their houses or move them

further back. Sr. Leveque is a resident of Mobile but at present in New Orleans.

Signed: Conrad Love. Chantalou. Lenormand.

Document badly stained.

Nov. 1. 28748. 4244. 31½ pp.

Contract by Anstibbe and wife with Louis Alexandre Piot to serve for three years as manager to cultivate Piot's plantation two leagues above and on the same side of New Orleans.

This is an interesting contract and valuable on economic data.

Contract between Jean Paul Anstibbe and his wife Margueritte on one side and Louis Alexander Piot Delaunay, Guardian of the King's store in New Orleans. Said Anstibbe and his wife having voluntarily agreed to take charge of a plantation situated two leagues above and on the same side as New Orleans, for three years, which will begin from this day and run to like date in three years, without their being authorized during the said time to

absent themselves nor abandon the care and command of the slaves thereon and effects of which inventory shall be made. For the cultivation of said plantation Sr. Delaunay obligates himself to furnish all tools necessary for the first year only, which the said Manager shall hold under inventory and shall render account of them after the three years, repairs and replacing of said tools to be borne by him during the two following years. Sr. Delaunay also agrees to furnish in advance for the first year all provisions to feed the slaves on said plantation of which he will make a statement before division at the

end of the three years. The said Manager and his wife shall be nourished on the produce of said plantation, such as rice, beans, peas, potatoes, and thereby facilitate the means of subsistence, Sr. Delaunay, for the first year, advancing the necessary provisions, consisting of fifteen barrels of rice, six barrels of corn, one barrel of beans, 300 lbs. of bacon, which will be furnished as a gratification without obligation of reimbursement for the first year only, the two other years to be taken on the produce of the said plantation before division.

For all the care and labor of the manager and his wife, they shall enjoy one fourth of the products of said plantation during the three years contracted for, of poultry, hogs, horned cattle, after having returned advances made by Delaunay, without being able to make claims to the slaves nor the remainder of the products. Tools bought or repaired during the first year will be at expense of both or at a pro rata of what each may claim on the returns of said plantation, which, at the end of three years, shall be divided on pro rata of each, without any indemnity on one side or the other. The slaves, in case of illness, will be treated at expense of Sr. Delaunay and supported by him, in health or illness. The Manager and his wife declared that they did not know how to write nor sign, wherefore inquiry, as per ordinance. Document water stained.

Signed: De Launay. Chantalou. Cantrelle. Henry (paraph) notary.

Nov. 2. 28744. **Report** in Registry of Superior Council by fo. 31. 4245. 1 p. M. de Membrede, Knight of the Military Order of St. Louis, Marine Captain, of the death, yesterday, of a negro named Capucin, aged about fifty years, on the plantation of deceased M. Pelerin, whose widow is the declarer's wife. Said slave died of a "cold in the chest." Not signed.

Membrede reports death of a negro slave named Capucin on his wife's plantation. Died of a "cold in the chest."

Document water stained and with torn margin.

Nov. 4. 28745. **Visit** by Officers of the Law on premises of fo. 31. 4246. 2 pp. Jacques Nicolas, on his report that thieves had entered his house, by removing bricks. They stole four or five guns, one of which they left in the yard and he found in his shop that several guns belonging to His Majesty had been disturbed. Their trace was followed. The declarer could not sign nor write. Document water stained. Signed: Raguet. Henry, Greff.

Report of theft of guns by a forcible entry of Nicholas' house.

Nov. 4. 28747. **Report** by Jacques Nicolas, gunsmith, that in the night he went into his shop and found that a hole had been made in the wall, near the chimney, and that guns given for repair by various individuals had been stolen. Document water stained. Signed: Raguet. Henry, Greff.

Nicholas makes a further report on same subject.

(27092.)

An incomplete file covering in part an account by Barbin, former attorney for vacant estates, rendered to Chantalou, present holder of that office.

Date missing as upper part of document is eaten away. Part of an account rendered by Barbin, former Attorney of Vacant Estates to Sr. Chantalou, present Attorney of Vacant Estates, of succession of deceased Estienne Durantay, who was drowned on his return from Pensacola, in 1746. One page of receipts . . unfinished. Water stained and torn.

Nov. 5. 2 pp.

Dupart, tutor of the minors Busson, asks the Council to authorize the sale of four negroes belonging to the minors in order to make a payment to J. B. Prevost, Agent of the Company of the Indies, on account of the debt of 10676 livres incurred by the deceased Busson for negroes and still due to the company.

Petition to Superior Council, Sr. de Lysle Dupart, acting as tutor of the minor heirs of deceased Noel Busson, stating that said succession owes the Company of the Indies a sum of 10676 livres for negroes advanced by it, which the succession has been sentenced to pay, but Sr. Prevost, the Agent of the Company, would accept a partial remittance as a means to prompt payment. Dupart prays to be allowed to sell three or four of said negroes among

the oldest and thereby avail himself of the advantage given him by the Company. Signed: Lenormand for Dupart.

Nov. 5, 1746. Sale of four negroes allowed after complying with formalities prescribed. Document slightly stained but legible. Signed: Lenormant. Prat.

Nov. 6. 28748. fo. 31. 4248. 3 pp.

Nuncupative will of Pierre Boulo, Captain of "Les Deux Amis".

Testament of Pierre Boulo, Captain of a schooner named "Les deux amis". Said nuncupative will dictated by testator at the inn of Madam Morin, "where we found him lying in the first room, on the street, ill of body, but sound in all his faculties, memory and understanding, and who required us to take down his last will." He declared that he was a native of St. Jean Des Champs in Lower Normandy. He named as relatives and heirs a sister, Margurite Bouleau, and two brothers, Jacques and Michel Bouleau, and if one of them has since died his share to be divided between the others, hereby annulling all previous wills he may have made.

Signed: Boulo. Dubunot. Chantalou. Henry, notary. Document water stained and lower margin torn.

Nov. 17.
3½ pp. N. P.

Letter from Rochefort.

Letter from Rochefort signed "Anceline" stating his reasons for delay in paying a bill of exchange, fault is not with his brother but with his correspondent.

Partly scratched out.

Nov. 18. 28751.
fo. 31. 4249.
1½ pp.

Contract to serve as
overseer for one year.

Contract between Sr. Goudeau and de la Gautrais for one year, Sr. Goudeau as overseer to receive six hundred livres, board and lodging for the year of service on clauses and conditions enumerated. Goudeau declared that he did not know how to write nor sign, wherefore inquiry as prescribed.

Signed: De Lagautrais.

Document water stained but legible. Note: This Goudeau was from Canada.

Nov. 19. 28753.
fo. 31. 4250. 4 pp.
(Canadian)

Marriage contract between Francoise Petit de Coulange and Jean Baptiste de Monbrun Sieur de Saint Laurent.

Marriage Contract of Jean Baptiste de Monbrun, Ecuyer Sieur de Saint Laurent, son of deceased, M. Jean Estienne de Monbrun and of Dame Francoise Charet, and of Miss Francoise Petit de Coulange, minor daughter of deceased Sr. Louis Petit de Coulange and of deceased Dame Francoise Gallard de Chamilly.

Signed: Jean Baptiste Boucher de Monbrun Saint Laurent.
francoise petit de Coulange.

J gallard chamilly hervieux.

Vaudreuil. Grandpre. Vilars Dubreuil. galar Grandpre. Lenormant. Membrede. Lesassier. fleuriau. Raguet. De Benac. Chantalou.

Note by Miss Crozat. These people are from Canada. Document is water stained, with ragged and torn margins. signatures nearly effaced.

28757. 2 pp.

Statement of effects owned by Mademoiselle de Coulange.

Signed: jen baptiste Monbrun. gallard chamilly.

28761. 2 pp.

Articles of contract of marriage between J-B. de Monbrun and Francois Petit de Coulange.

Papers attached
to above.

(No signature.)

Nov. 20.
Listed XXX. 1 p.
Paraphed. Origl.

Notice to Chantalou,
chief clerk of Council
to hold goods and effects
of Ancelin Succession.

Notice served on Sr. Chantalou, Chief Clerk (Greffier) of Council with note annexed that he may not allow any goods of Ancelin succession to leave his possession until payment of the sum of six hundred and ten piastres due to Sr. Laplace. Signed: Lenormand.

Note for six hundred and ten piastres dated April 3, 1746, in favor of Sr. Laplace, for merchandise received, signed An-

celain. Listed X X X with paraph. Document torn and note stained.

Nov. 24. 28763. **Sale** of of plantation of Messire Jean Baptiste Le Moyne de Bienville, former Governor of Louisiana, now Captain of the King's Ships, ordinarily residing at Paris, to Mr. Joseph Desdemaine Hugon, Cadet in the Marine troops in this Colony. The said plantation situated in this Colony on

Sale by Ex-Governor Bienville to Hugon. Plantation on other side of the river.

bank of the River St. Louis, one half league descending the river from New Orleans and on the other side of the river, adjoining on its upper side land of deceased Louis Blanc, called St. Louis, and on the other side, that of Sr. Provenché, containing — arpents front by ordinary depth,

This property is part of the land granted by Bienville to himself in 1719 and the reader is referred to the elaborate discussion of that subject in Documents Concerning Bienville's Lands in Louisiana, 1719-1737, La. Hist. Qy., 1927, Vol. 10, No. 1, et seq.

on which land there is a house and a barn, two pigeon houses,* and other buildings, as well as all cattle on it, consisting in oxen, cows, bulls, heifers, calves, sheep, hogs, and poultry, as listed in inventory annexed. Sale is made by Messire Giles Augustin Payen, Chevalier de Noyan, Knight of the Royal

and Military Order of Saint Louis and Lieutenant of the King in Louisiana, holding procuration of Sr. de Bienville for the sum of fifteen thousand livres which said Sr. Hugon promises and obligates himself to pay to Sieur Bienville in France by a bill of exchange drawn on his relatives in France, Sr. Hugon stipulating mortgage security on his movables and immovables. He is also held to keep land and buildings as they stand and not to sell anything listed in inventory until Sr. de Bienville acknowledges full payment for same. The said land was conceded to the vendor by the General Directors of the Company of the Indies over twenty-four years ago.

Signed: noyan. Chantalou. Lenormand. joseph hugon. Henry, notary.

*Details of width and length of buildings, but figures left blank. Still the document is an original which may be seen by the different signatures. Document charred and perforated with ragged margins.

Nov. 24. 28768. **Procuration** in blank granted by Joseph Hugon, Cadet in Marine Troops in Louisiana, who is coheir with Mr. Nicolas Desdemaine Hugon, his brother, in succession of Mr. Desdemaine Hugon, their grandfather. He has been of age over a year and wishes to have a settlement made not only to enjoy his goods but to pay and be discharged of a debt of 15000 livres, which he has contracted for the

Procuration by Joseph Hugon, Cadet in Marine Troops in Louisiana to collect his share in his grandfather's succession and to obtain therefrom at least fifteen thousand livres to pay for the property he has just purchased from Bienville.

purchase of the Plantation of Mr. de Bienville, former Governor of the Colony, now Captain of the King's Ships re-

siding at Paris, France. He wishes that under this procuration his attorney may compel Mr. Joseph Philber Hugon, his uncle and tutor, to render account of what belongs to said Cadet Hugon, and in case there are not sufficient funds to pay this debt, to sell what is most suitable to make up the 15000 livres.

Signed: Joseph Hugon. Chantalou. Lenormand.

Chantalou signs as Greffier and Lenormand as witness.

(A duplicate of the document is in the file and numbered 4286.)

Nov. 25. 28774.
fo. 31. 4254.
1½ pp.

Jacques Cartier, a Canadian, promises to pay 382 piastres to Olivier de Vezin.

Obligation by Jacques Cartier, son of Paul Cartier, of Canada, to Mr. Olivier de Vezin for the sum of three hundred and eighty-two piastres, which said Cartier promises to pay in six months from this date, with interest thereon.

Signed: Jacques Cartier. Chantalou. Lenormand. Henry, notary. Document stained and charred.

Nov. 25. 28772.
fo. 31. 4253.
1½ pp.

Jacques Cartier promises to pay 482 piastres to Paul Rasteau, wholesale merchant in New Orleans.

Obligation for 482 piastres due by Jacques Cartier, son of Paul Cartier and Agnes Cloutier, of Canada, to Sr. Paul Rasteau, wholesale merchant of New Orleans, which said Cartier promises to pay in June, 1747, stipulating mortgage security.

Signed: Jacques Cartier. Chantalou. Lenormand. Henry, notary. Document charred and water stained.

Nov. 27. 28776.
fo. 31. 4255. 1 p.

Councillor Jean Baptiste Raguet reports the burglary of his premises by runaway slaves.

Report in Registry by Councillor Jean Baptiste Raguet that about two hours previously two of his negro slaves informed him, that at noon, on returning from their work they found a window broken in their house from which had been stolen all their clothes, two iron pots, their blankets,

an ox-hide, a cloth surrounding their bed, skirts, chemises, corset, coat, trousers, a woolen shirt and one of cottonade, a gun and powder horn, a porringer, an earthen dish, and several other things, which they do not remember besides killing poultry and a hog. They suspect runaway negroes of this theft and have warned the plantations on the other side to be careful of all negroes trying to sell clothes and pots, etc., declarer asking that above report be certified. Signed: Raguet.

Henry, Greff.

Document stained and torn and margins curled and ragged.

Nov. 27. 4 pp. **Letter** signed Vauve Gervais, without any
N. P. No. 10. address, (presumably to Sr. Benoit de St.
Letter from the Clair in Illinois), written from New Or-
Widow Gervais leans, refers to sales of rum she sent to
be sold at current price, news of Madam
Deuvergé, thanks for his kindness, acknowledges 900 lbs. of
flour.

Nov. 27. 2½ pp. **Letter** forwarded by the merchant ship the
St. Francois, commanded by Captain Nau
of La Rochelle, which arrived at Portepain (Port au Prince?) which will bring
news of Mr. Diron's succession with which
Mr. Lenormant was charged and a detailed statement of all proceedings
against Sr. Duhomel and also all the funds that could be recovered. As to petition
of Mr. Chantalou, in whose name it was presented, papers were sent by "La Tri-
omphante". It remains to say that Sr. Diron left two natural children to be provided for, one of them a girl in the Convent,
for whom the Nuns received a pension, and the other a boy, in apprenticeship who must be supported. They were recommended by Diron to Mr. Du Breuil, who accounted for his charge, but on order of Mr. Lenormant the girl's pension was paid and twenty pistoles were allowed for support of the boy. Account sent and proceeds of sales received from Mr. P—. Expects to send remainder before Mr. Lenormant leaves, without counting deposit made by Mr. Du Breuil de Vilars.

An unsigned letter from La Rochelle giving details of Diron's Estate. It advises that Sr. Diron left two natural children, one a girl in the convent and the other a boy in apprenticeship.

This seems to be Diron who held office and resided in Mobile.

No signature.

Document stained, charred so as to be almost illegible, perforated and torn; lower end of first page crumbling.

Nov. 28. 28776. **Report** in Registry by Mr. de Launay, who
fo. 31. 4256. 1 p. married the widow of Robert Avare
(Avart), of the death of a small negro
slave, aged one year, a girl named Babet,
who died of a fluxion, notwithstanding all
the care given her. Not signed.

Report of death of an infant slave, aged one year who died "of a fluxion."

Dec. 1. 2 pp. **Petition** to Superior Council by Sr. St. Martin Jaureguibery, for citation of Sr. Dupart, as tutor of Sr. Noel Busson's minor heirs, in order to recover 93 livres lent to said deceased Busson on May 7th, 1728.

Suit for 93 livres due one Busson, deceased.

Signed: St. Martin.

Permit to cite signed: Raguet.

*Meant for De Lisle,
often written Delille,
De Lysle.
Citations served.

Dec. 2. Notice of citation before Council served on Sr. D'elle Dupart,* following petition of Sr. St. Martin Jaureguibery, by Sheriff Lenormand.

Jan. 30, 1747. Notice of citation before Council, Feb. 9, at nine o'clock A. M. served on Sr. D'elle Dupart, as tutor of minor heirs of deceased Noel Busson, notice delivered to his wife, obtained on petition of Sr. St. Martin, Captain of Militia, residing in New Orleans. Copy of judgment left with notice by Sheriff Lenormand. Document water stained with torn margins.

Dec. 1. 28777.
4257. 2 pp.

Notarial obligation by
Riviere de la Brosse,
Captain of a ship and
by his second officer to
pay 3500 piastres in
silver to Antoine Campo,
Captain of another ship.

Obligation by Riviere de la Brosse to Antoine Campo. Sr. Pierre Riviere de la Brosse, Captain of the Brigantine "L'Aymable Vainqueur" (The Amiable Victor) jointly with Sr. Genty, second Captain of said Brigantine, who are obliged to pay for victualling crew of said Brigantine in this Colony, acknowledge their indebtedness to Sr. Antoine Campo, Cap-

tain of the boat the St. Francois, now in this port and ready to sail for Le Petit Goave, Santo Domingo, for the sum of three thousand, five hundred piastres in silver,* which said De la Brosse and Sieurs Delatouche and Pera, ship chandlers, obligate themselves solidarily to pay at Leogane (petit Goave) in a bill of exchange payable at sight which the said de la Brosse, Vaquier and Genty have delivered in quadruplicate, stipulating mortgage security on their movables and immovables. Sr. Genty declared that he could not write nor sign and document is signed: Riviere, Vaquier, Rodot, P. Rasteau, and Chantalou.

*"trois mille cinq cent Piastres En piastres gourdes Rondes et au cordon" Piastre Gourde means a silver piastre, round, with an edge or milling. The value of the piastre gourde (whole) in Martinique was 9 livres 15 sous, at Guadeloupe, 10 livres; gourde perce (pierced) in quadeloupe, 9 livres. In France the Gourde lost two fifths of its Colonial value. (Translator's note.)

Dec. 5. 28782.
4259. 1 p.

Jean Baptiste Bancio Piemont, merchant of New Orleans, petitions the Ordonnateur of Louisiana for a proces verbal of the condition and contents of the house of Sr. Philippe Gallois de la Brosse who he says has left Louisiana, leaving his house open and void of furniture.

Litigation between Piemont and de la Brosse has been noted in previous installments of this index.

Petition to Mr. Le Normant, Councillor of the King, General Commissioner of the Marine, and Ordonnateur (Intendant) of Louisiana, by Jean Baptiste Bancio Piemont, wholesale merchant of New Orleans, for a proces verbal of condition and contents of house of Sr. Philippe Gallois de la Brosse, who has left Louisiana on one of the ships that left the Colony, leaving his house open and void of furniture. The petitioner to whom he is indebted as well as Sr. Rasteau have a right to find out if some effects have not remained, in some places securely locked. The whole to be reported

as ordered after investigation. Action taken under procuration of Sr. Herault.

Signed: J. Bancio Piemont.

Order to communicate to Fleuriau, Procureur General of the

King, signed by Lenormant.

Dec. 5. Demand by Attorney Fleuriau that proces verbal be drawn up after visit to abandoned places.

Signed: fleuriau.

In margin. Demand of the Procureur General of the King to be carried out, neighbors to be called on to witness its execution.

Signed: Lenormant.

On the reverse of the document is a memo by Sr. Prat, followed by this proces verbal in a separate document.

Dec. 5. 28791.
fo. 31. 4261.

Report of Councillor Prat upon his investigation of La Brosse's property.

Proces verbal of examination of La Brosse's property.

Visit of house owned by Sr. Bancio Piemont, by officers of the law, as it was abandoned and left open by Sr. Philippe Gallois de la Brosse, who is supposed to have left the Colony. Visit made on petition of Sr. Bancio Piemont, holding procuration of Sr. Bourguine and his creditors and of Sr. Rasteau, representing Sr. Herault, both creditors

of said La Brosse. Order to open places locked or closed. Only some pieces of old furniture, several locks and keys missing, in the garden which ends at Conde St (Upper end of Chartres). No vegetables were found but a few green onions; in the kitchen nothing found, but a written paper dated Dec. 2, found in the Nun's lot, which was in La Brosse's handwriting, which was paraphed by the Procureur of the King and annexed to this present. This 'Proces verbal' is signed by J. Bancio Piemont, fleuriau, Chateaulin. Document creased and stained by water.

Dec. 9. 28794.
4262. 7 pp. Orig.

Final notice to Aufrere to deliver the money and property of the d'Ausseville estate to Barbin, Attorney of Vacant Estates and inventory thereof.

Intervention of Mrs. Aufrere, claiming that she is a creditor of her husband and protesting against the removal of the furniture.

*Copy given her of her declaration.

Repeated Notice served on Sr. Aufrere, on petition of Sieur Nicolas Godefroy Barbin, Attorney of Vacant Estates, charged with succession of deceased Sr. D'Ausseville, Sr. Aufrere having been sentenced to pay to Sr. Barbin the sum of 19150 livres 14 sols also to remit to him a negro named Pierrot and three others and cattle sold in execution of said decrees of seizure. Inventory follows covering four and a half pages. Signed: Dumas. Aufrere. Desbordes. Jacques Gosselin. Lenormand.

Dec. 9. Declaration by Madam Aufrere, wife of Sr. Antoine Aufrere, that she is a creditor of her husband to the sum of 12000 livres and that she protests against removal of furniture.* Signed: Fr. Aufrere Lenormand.

28798. Orig.

Delysle, surety of Aufrere on his bond in the succession of d'Ausseville, obtains an order on Aufrere to appear before the Council at nine o'clock in the morning.

April 8, 1747. Notice of citation served on Sr. Antoine Aufrere, on petition of Sr. Pierre Delysle, who has signed his bond in succession of deceased Sr. D'Ausseville. Order to said Antoine Aufrere to appear before the Council at nine o'clock in the morning.

Signed: Lenormand.

Dec. 15. 28802.
4263. 1 p.

Report by deBenac, Major of the Province of Louisiana, that his negro, Apollon, has run away.

Report in Registry by Mr. de Benac, Knight of the Military Order of Saint Louis, Major of this Province of Louisiana, that one of his negroes, named Apollon, has run away since eight days, without knowing the reason as he was not chastised, and not knowing what has become of him, he makes this declaration to serve and avail as need may be. Signed: De Benac.

Dec. 21. 2 pp.
N. P.

Letter from Pointe Coupée to Henry Greffier of Superior Council, announcing the sending of 28 papers concerning affairs of the Post.

Letter from Pointe Coupée, addressed to Monsieur Henry, Notaire Greffier in the Superior Council of Louisiana, signed by Potin. He announces sending twenty-eight papers concerning affairs of the Post. Writing so pale as to be barely legible.

Dec. 22.
Listed 000.

Listed 000.

Notes and obligations signed by Membrede in favor of Ancelin, one of these being written on a playing card, the six of Clubs.

Note signed by Membrede for 200 livres in favor of Mr. Ancellin, to be paid on demand.

A card (six of clubs) list of Mr. de Membrede's debts for nutmeg—2 livres; 16 pots of Vinegar—12 livres; charge for empty anchor—1 livre. Total—16 piastres.

As memoranda.

Sept. 24, 1743.—Good for 56 livres in Colonial money to be paid to Mr. Ancellin as settlement up to date.

Signed: de Membrede.

25128.

Invd. Listed s s s.
Fleuriau

Dec. 24, 1745—Obligation of Sargent Ximenes to pay to Durante (Durantay) the sum of 23 piastres

Signed: Benta Ximenes.

Document stained.

Dec. 24. 28813.
fo. 31. 4266. 2 pp.

Contract between Blanpain of the "Oumas" and Rasteau, merchant of New Orleans, to furnish the latter cypress lumber of certain dimensions, with provisions for the delivery of the same, price to be fixed on delivery.

Though it is not stated by Mrs. Cruzat, this seems to be a suit by Rasteau against Blanpain for the delivery of the timber or for the right to take the same quantity from some other person at the expense of Blanpain.

Contract between Joseph Blanpain and Sr. Paul Rasteau, merchant of New Orleans, Blanpain, of "Oumas" obligating himself to furnish 22 pieces of cypress wood, of given dimensions; 100 pieces of same wood, of same width, 8x8; 100 pieces of same length of 8x9; 60 other pieces of 8 ft. width squared on both sides, 60 other pieces idem of 12 ft. in length, of same proportion, likewise squared on both sides, with cord to lower and tie said wood to wharf, it being understood that Sr. Blanpain will come down from the "Chapitoulas" to warn Mr. Rasteau to help him to land said wood which will be charged with costs to Sr. Rasteau, Blanpain being held only to deliver it tied to wharf. Blanpain also agrees to deliver sixteen thousand shingles 20 inches long by ordinary width, subject to examination, to be delivered at the wharf in next March, at latest, if not delivered at said time Sr. Rasteau shall be at liberty to take like quantity in same wood at cost of Mr. Blanpain, at any price found. Signed: blanpain. Jahan Chantalou. Henry N.

Document stained with torn margins.

28815. 1/2 p.

Answer of Blanpain to suit.

Defense of Joseph Blanpain to citation summons made on petition of Sr. Rasteau, stating that the wood is ready, that it is impossible to hold it and he offers to prove it

by sending a man at his cost and expense and that he will send them down as soon as the waters are lower.

Signed: blanpain.

Dec. 24. 28811.
4265. fo. 31.
1½ pp.

Blanpain contracts with Layssard for 365 livres for brandy furnished this day, which sum Blanpain will pay on the arrival of the first of the King's ships in New Orleans.

Obligation of Sr. Blanpain to Sr. Layssard for 365 livres for brandy furnished and delivered this day, which sum he promises to pay on arrival in New Orleans of the first of the King's ships in New Orleans, stipulating mortgage security on his movables and immovables. Signed: blanpain. Chantalou. Jahan. Henry Noy.

Jan. 1, 1748.—Receipt to Joseph Blanpain for said payment of 365 livres. Signed: layssard freres.

Lenormand.

Document stained, with ragged margin, but plainly legible.

Dec. 24. 28803.
fo. 31. 4264.
7 pp.

Examination of wine and casks deposited in cellar of Layssard by Bonneterre and report thereon that 21 casks of wine were examined, many with hoops missing, three of them falling to pieces and empty, and that 18 other casks are in very bad condition.

Proces Verbal of examination of casks of wine deposited in cellar of Sr. Layssard by Sieur Bonneterre, in the presence of Srs. Jean Baptiste Bancio Piemont and Sr. Jacques Chauvin, merchants of New Orleans, and Sr. Jean Baptiste Rivard, tavern keeper. They reported finding twenty-one casks of wine, on which a quantity of hoops are missing, three of them falling to pieces and entirely empty and having leaked through the bottom and through the staves,

eighteen other casks are in very bad condition, in which one third and in others one fourth of contents are missing. This proces verbal drawn up, Sr. Layssard states he intends to have the casks rehooped to avoid total loss. Signed: Chauvin. Rivarde, J. Bancio Piemont. Layssard freres.

28804. ½ p.

Continuation of examination of brandy and advice that whole be sold in this condition.

Examination of a quantity of brandy, stored in the same cellar, belonging to Sr. Bonneterre. The brandy from Provence was found to be very bad and dark and one half empty. That it was impossible to

bring the casks together for fear of their falling to pieces, and to avoid loss of the whole it was decided to make a public sale at the risk of the buyer.

28805. 5 pp.

Report of sale of brandy in question for 1042 livres.

January 13, 1747. Sale of Wine and Brandy stored in Sr. Layssard's cellar by the owner Sr. de Bonneterre. Returns on sale amounted to 1042 livres on which 990 livres were remitted to Layssard, deduction

made of 52 livres for costs of said sale.

Signed: Layssard freres. Fr C Olivier.

Document stained by water.

(To be continued.)

INDEX TO THE SPANISH JUDICIAL RECORDS
OF LOUISIANA

XLI.

August-September, 1781.

(Continued from July, 1933, Quarterly)

By LAURA L. PORTEOUS.

With Marginal Notes By Henry P. Dart.

August 3, 1781.
**Bartolome, a free negro
vs. Alberto Bonne.**
No. 3469. 20 pp.
Court of Alcalde
Jacinto Panis.
Assessor, Postigo.
Escribano, L. Mazange.

Plaintiff alleges he was evicted by defendant from lands conveyed to plaintiff by the defendant and sues the latter for the value of same.

The defense is technical that no writing was executed between the parties. Plaintiff fails to reply to this defense and his case is dismissed, apparently because of his failure to negate defendant's plea.

land well. Thereafter he was ordered to assemble the free negroes to make an expedition to Pensacola and Mobile. While absent on this duty Mr. Bonne defaulted on his word that he had given before witnesses, as the certificates show. These witnesses could not come to the capital to make their declarations. Bonne sold plaintiffs the land for 80 pesos and put his mother and the rest of his family out. When plaintiff returned from the expedition he was obliged to pay this sum to the person who had bought his land. Protesting against Mr. Bonne's bad faith he asks to have him condemned to pay this sum and also the value of the crops that plaintiff had planted on the land. Alcalde Panis on Assessor Postigo's advice orders citation of Mr. Bonne on his plantation. The writ is issued and served by Pedro Bertoniere.

Plaintiff presents four certificates dated July 25, 1781, signed respectively by Pierre Billaud, Jacques Billaud, Jean La France and Jean Baptiste Toupard, stating they were present when Mr. Arlu made a donation of land 4 arpents front to Bartolome, a free negro. Using these as proof of his claim, Bartolome alleges that about three years ago Mr. Bonne entered into an agreement with him to clear six arpents of land on his plantation and in payment for this work he would give him four arpents. He cleared the six and established himself on the four he had received, built a cabin and other small buildings, placed fences and planted and worked the

Alberto Bonne answers.

Alberto Bonne answers in a six page petition in which he states that Bartolome's claim against the defendant for the 80 pesos he has given Juan Baptiste Baisson for 4 arpents of land is false. He never ceded this land to the negro. Whenever such a transaction takes place a certificate is executed before a magistrate, ordinary Justice, or some official person. When a donation or cession is made one of the necessary requisites is to have the assistance of a notary to make a record of the transfer. This was not done in Bartolome's case. His claim that the land was sold during his absence in Pensacola is not true, as the sale was made ten months before and this transfer of the land was made clear to him. During that time he remained silent without doing anything in the matter. He prays to have the case dismissed. Panis on Postigo's advice orders this petition sent to Bartolome and also that Alberto Bonne appoint an attorney to represent him in this suit. Under this order plaintiff is cited and defendant appoints Rafael Perdomo as his attorney.

Bartolome does not answer.

Bartolome fails to reply to Bonne's petition and the latter asks for the dismissal of the suit and that costs be taxed of which he will pay one half with reservation for what will be sentenced definitively. Luis Liotaud is appointed to tax costs and on March 14, 1782 taxes the same at 20 pesos, 5 reales. The record ends here.

August 6.
Ventura Vilaro petitions to have an inventory made of the estate left by his brother, Juan Vilaro.
No. 3533. 98 pp.
Court of Alcalde J. Panis.
Assessor. None named.
Escribano, Leonardo Mazange.

This record is a clean-cut example of the Spanish Louisiana method of handling intestate successions.

It also establishes the simplicity of the proceeding and the speeding up of the matter under normal conditions.

Bentura, Ventura, or Buenaventura Vilaro petitions saying: That on April 16th just past, his brother, Juan Vilaro died in this city without having made a will or other disposition of his estate. That no proceedings have been taken to place the same in safety. He asks the court to order the process begun for intestate successions and all the rest of the proceedings necessary to the affair and that an inventory be made of the property left by his brother to secure what legitimately belongs to the widow and from the residue of the estate to deduct and pay the expenses of the last illness and funeral and to divide the remainder among the three brothers of the deceased, as forced heirs.

Alcade Panis rules let Ventura Vilaro prove himself to be a legitimate brother of the deceased Juan, exhibit the burial cer-

tificate of the latter and add these to the record to be filed together by the Escribano so that the corresponding decree may be given in conformity to justice.

Testimony of the witnesses.

Four witnesses, Mariano Mure, Juan Llurens, Joseph Rabaza and Juan Alzina in separate declarations say that Ventura Vilaro is the legitimate brother of the deceased Juan Vilaro and has always been considered as such and treated as a member of the family in the home of their parents in Spain where they were all near neighbors. They know Ventura Vilaro to be the legitimate son of Isidro Vilaro and Theresa Fuguera or Figuara, also the parents of Juan Vilaro, residents of Callella in the Principality of Catalunya. They have often seen him in the company of the deceased Juan Vilaro who always treated and considered him as a brother.

The Alcalde enters judgment.

Considering the foregoing information by which Ventura Vilaro makes his legitimacy evident. His Honor says: he approves and does approve, in as much as it has place in law, and for its better validation and force he interposes and does interpose his authority and judicial decree and orders that this party be given the certified copies he asks, for which he must pay the just and due fees.

Burial certificate.

A burial certificate, dated April 16, 1781, signed by Father Francisco de Caldas declares that Juan Vilaro, native of the city of Callela, Bishopric of Gerona, in the Principality of Catalunya, legitimate son of Isidro Vilaro and Theresa Figueras, married to Maria Vidal arrived in this city ill, where he died and was buried in the cemetery used for the faithful in this Parish, on the same day, namely, April 16th current.

Centura Vilaro petitions to make the inventory.

Ventura Vilaro having complied with the requirements of the court now prays for the taking of the inventory. Panis rules: let them proceed with the taking of the inventory on the 14th of the current month and as there must be some one to represent the widow of the deceased, His Honor says he names as her defender, Francisco Broutin, who must be notified, accept and take oath and let Ventura Vilaro show the property that has been left in his possession at the death of his brother, Juan Vilaro which will be valued by the public appraisers who must accept and take oath in due form.

Francisco Broutin qualifies as defender.

Francisco Broutin qualifies (takes oath) as defender of the absent widow and with Francisco Bigeon and Adrien de la Place as appraisers, they proceed to make an inventory and valuation of the estate which consists of wearing

apparel, household effects and bedding. This is all the property Juan Vilaro owns except his one third interest in a bargentine with Augustin Llorens and Juan Font as co-owners therein. Panis rules: proceed to make an inventory and appraisal of the bargentine that the late Juan Vilaro owned in partnership with Juan Font and Augustin Llorens, together with its equipment. Let the two other part owners be notified so that either for both may be present in court, or be represented by attorney or attorneys to defend their rights.

Augustin Llorens appoints Perdomo as his attorney, and names Magnon as appraiser of the vessel.

Augustin Llorens files a certified copy of a notarial act appointing Rafael Perdomo to represent his interests in the sale of the bargentine. Acting for his client, Perdomo examines the record of the proceedings and then petitions saying that the inventory of the brigantine, named "St. Juan Bautista" called "The Planter of America" owned in part with Juan Vilaro, cannot be made by the public appraisers who are unfamiliar with the just value of sailing ships. That special appraisers should be appointed and he names for his client Arnaldo Manon or Arnaud Magnon and prays that the other interested parties be ordered to name an appraiser in their behalf and that the appraisal of the bargentine be made by these persons. Panis confirms this appointment, orders Magnon notified to accept and take oath and the other parties also notified to name their appraiser within one day. Arnaldo Manon qualifies. Francisco Broutin, defender of the widow.

Broutin names Estevan Plauche as appraiser.

Maria Vidal Vilaro, names Esteban Plouchet (Plauche) for his appraiser of the bargentine. This appointment is approved by Panis, Plauche is notified, accepts and qualifies. The vessel and her equipment is described and appraised.

Messrs. Magnon and Plauche go on board and the inventory and appraisal is made in the presence of Jacinto Panis, Alcalde. Francisco Broutin representing the widow, Rafael Perdomo representing Augustin Llorens. Ventura Vilaro and Juan Font as part owner and Captain of the ship are also present. The bargentine's equipment consists of 4 iron cannon mounted, with 3 lb. balls, powder and other arms and knives, hemp cables, anchors, chains, rigging and sails and such things as are required on a sailing vessel. The bargentine is 170 tons, with two masts, is sea-worthy and ready to sail and the whole is valued at 2400 pesos.

The parties ask approval of the inventory and appraisal and for sale of the effects including the bargentine.

Augustin Llorens, Ventura Vilaro, Francisco Broutin, acting for Mrs. Wid. Vilaro and Juan Font, Captain of the bargentine, each separately petition to have the inventories approved. When this is done, Augustin Llorens petitions for the calls for the sale at public auction. These calls are

made September 5, 14 and 24th and upon Llorens' request for the naming the date of sale, Piernas fixes it for September 28th. This is followed by the auction; the personal effects were bid in and adjudicated to Ventura Vilaro, at 65 pesos 4 reales, the prices of their estimation. The bargentine and its equipment was offered for the part that belongs to the late Juan Vilaro, the fist bid offered was 4200 pesos cash by Augustin Llorens and Juan Font which was raised by Narcisco de Alva to 4250 pesos cash, then Messrs. Llorens and Font offered 4300 pesos cash. This was the last bid and the ship and equipment was adjudicated to them.

Broutin and Llorens ask for an account and sworn statement.

Messrs Broutin and Llorens pray that Ventura Vilaro, guardian of the Juan Vilaro estate be ordered to render an account and sworn statement of his administration. Panis so orders. Llorens asks for taxation of costs. Panis orders Luis Liotaud, public appraiser, notified. Liotaud qualifies and taxes costs at 88 pesos 1 real.

Ventura Vilaro presents his account and sworn statement. The recapitulation shows:

Assets	6195 p. 6½ r.
Charges and deductions.....	251
	5944 p. 6½ r.

Panis orders this sent to Broutin, attorney for Mrs. Vilaro, who contests and submits a recapitulation as follows:

Assets	6195 p. 6½ r.
Charges and deductions.....	95 7
	6099 p. 7½ r.

This is sent to the other interested parties and a third statement is given by Augustin Llorens with this recapitulation:

Assets	6195 p.
Charges and deductions.....	276
	6471 p.*

* By a strange freak of accounting Llorens instead of subtracting adds his debit and credit thereby arriving at a very different result from Vilaro and Broutin.

There are two receipts signed by Father Francisco de Caldas, one for 46 pesos for the funeral of Juan Vilaro paid to him by Ventura Vilaro and the other for 21 pesos for the anniversary service. Then Augustin Llorens petitions saying he presents the two foregoing receipts as vouchers, as the guardian is absent, to

help prove the account and sworn statement presented by Ventura Vilaro and as it is a difficult matter to get the other receipts for sums mentioned, he prays to have the latter's statement accepted. For the other objections the defender has made, the amounts are so small he asks that they be overlooked as the costs to prove the justice of these debts would be greater than the amount involved. Panis orders this request sent to the defender of the widow.

Broutin answers Llorens.

Francisco Broutin answers saying Father Caldas' two receipts for 46 pesos and 21 pesos prove on the side of charges and deductions two of the amounts he contested and as the other articles come to only 25 pesos, a mere trifle, he approves Vilaro's accounting so as to conclude these proceedings and avoid further costs. On his suggestion a taxation of these last costs is made by the judicial accountant and prays that the partition be made, establishing the part that should come to each party. Panis rules: with the consent of the parties he approves the account and sworn statement presented by Ventura Vilaro, guardian of the estate of Juan Vilaro and in consequence he orders the records be sent to the public assessor, who must first tax costs that will be deducted from the body of the estate; then there must be drawn up the schedule for partition.

Vilaro's petition.

Juan Ventura Vilaro, signing himself, Beunaventura Vilaro, sets forth that by decree dated July 8th past, his Honor ordered a division of Juan Bautista Vilaro's estate between the widow and the rest of the legitimate heirs. He forgot to designate them. He herewith names the heirs, first the widow, Maria Vidal and his sister and brother, Theresa and Thomas, and himself, Ventura. Panis rules: Proceed to the partition of the estate, limiting one half to the widow and the other half divided among the deceased's two brothers and one sister, Ventura, Thomas and Theresa Vilaro.

Costs taxed and partition made.

Luis Liotaud taxes the last proceedings at 17 pesos 11½ reales and proceeds to the partition. Mrs.

Vidal Vilaro receives 2963 pesos 6 reales 20 maravedi and the two brothers and sister each receive 987 pesos 7 reales 18 maravedi making up an estate of 5927 pesos 5 reales 6 maravedi. Luis Liotaud petitions to have his fees adjusted for the work of making the partition. Panis fixes this fee as the value of two assistances. This closes the record.

August 13.
**Santiago Mather vs.
Joseph de Gruis.**
No. 3515. 2 pp.
Court of Alcalde
Jacinto Panis.
Assessor, Postigo.
Escribano, Mazange.

To collect a debt.

Plaintiff alleges that defendant, a native of Atakapas, owes him 520 pesos, namely, 300 on a note and 220 for a negro bought at auction in the office of the late Juan B. Garic. As he has been unable to collect this money he now asks to have the debtors verify the debt. He alleges that the latter plans to leave the city shortly and he prays that he be not permitted to do so until this

proceeding is finished. Alcalde Panis orders de Gruis to recognize, swear and declare as requested and that his declaration be returned to the Court. With regard to the 220 pesos, let plaintiff present a certified copy of the sale and when this is done, the court will decree accordingly. Mazange certifies when he went to notify Joseph de Gruis he found him absent from the city. This ends the record.

August 16.
**Pablo Azemar vs.
Francisco Rose and
Francisco Lemelle.**
No. 3467. 3 pp.
Court of Alcalde
Jacinto Panis.
No Assessor.
Escribano, Mazange.

To collect a debt and for the physical detention of the debtor until it is paid.

Pablo Azemar claims that Pedro (Francisco) Rose and Francisco Lemelle owe him 1200 pesos, which he has not been able to collect, though past due. He seeks from the defendant the acknowledgment and verification of the debt and as Rose is about to leave the city, prays for his detention until the same is paid. An order to that effect is signed by the Alcalde. Later on in a joint petition Francisco Le Melle and Pablo Azemar report the

payment of the debt and ask for the return of the original note. A marginal note signed by Mazange certifies that he has returned the note to Francisco Le Melle.

August 22.
**Nicolas Favre Daunoy vs.
Marie Elizabeth Destrehan, widow of Carlos Favre Daunoy over the ownership of a piece of land in New Orleans.**
No. 3482. 492 pp.
Courts of Alcaldes Guido Dufossat, Jacinto Panis and others.

This suit involved the ownership of three lots of ground in the City of New Orleans, plaintiff claiming he bought the same at the auction sale of the Estate of the late Juan Baptiste Destrehan in 1776. The defendant contended that the adjudication made to plaintiff at that sale was for account of herself as one of the heirs of Mr. Destrehan; that

Assessors, Postigo, Ortega, Serrano and Vidal. Escribanos, Mazange, Rodriguez, Pedesclaux, etc.

This record is in certified copy the originals having been sent to Havana when the case was appealed.

plaintiff was acting under the procuration of her husband executed in her behalf and that plaintiff attended the sale in that capacity; that any property which he purchased at that sale no matter in whose name the adjudication was placed, was really for account of the defendant.

The lawsuit was decided in favor of defendant, but the

Alcalde also ordered the case referred to Havana for the advice of two lawyers of that city. They reversed the judgment and remanded the case for another trial. The reversal was not upon the merits so that the second trial in New Orleans was really to a large extent a new suit, with new facts and new pleadings. This resulted in a judgment in New Orleans in favor of the plaintiff for one of the lots, reserving his rights to claim whatever he saw fit in regard to the other two lots. This judgment was appealed to the Court of Appeals in Havana, a tribunal created for the purpose of hearing appeals from Louisiana. The judgment was affirmed and plaintiff sought the execution of that part relating to the lot and asked that the Alcalde return the opinion to the Tribunal in Havana for clarification of the part relating to the two other lots. The defendant also took an appeal but the tribunal in Havana declined to consider the merits of the appeal saying that it had been finally decided with no reservations except those set out in the decree. The defendant in her plea had asked for an appeal to the Council of the Indies in Spain and this was denied by the Havana tribunal.

The case came back to New Orleans and other proceedings were taken which resulted in the plaintiff being put in possession of the one lot and the litigation was resumed over the other two.

At this stage the parties agreed to compromise, each one taking one of the disputed lots and dividing the costs.

The case had been in the courts of New Orleans and Havana for eleven years when this compromise was reached. The costs of the case proper in Louisiana and for the appeals to Havana were enormous and it is entirely probable that the costs and lawyers fees exceeded the value of the property.

The original record of 492 pages has been condensed by Miss Porteous into some 15,000 words but the brief statement substituted above by the editor of the *Quarterly* gives a sufficient idea of the contents of the record. However, during the course of this long litigation many things were developed that are of particular interest to the student of the legal history of Louisiana in the Spanish era and the editor of the *Quarterly* has prepared for separate publication a paper on this case which will appear in the

April number. The documents and pleadings will be treated from a historical point of view and we believe that it will be a permanent contribution to the history of the law in Louisiana.

August 30.

Alexo Raux petitions to make clear the amount of damage he has suffered in the hurricane of Aug. 24 by the loss of "Styles" (Coiffures) for hair

combing sent from Cap Francaise by Mr. Griomas.

No. 3524. 5 pp.

Court of Alcalde

Jacinto Panis.

No Assessor.

Escribano, L. Mazange.

Petitioner avers his house was unroofed by the hurricane of August 24th, which damaged all his merchandise and papers. The rain lasted for six days, preventing him from making an examination until today. He finds everything wet beyond the hope of salvage. Therefore he asks that the escribano go to his house, make an estimate of his loss and set it down as a matter of record. Petition granted.

Leonardo Mazange, the Escribano reports he went to the house of Alexo Reaux and was shown his warehouse where he examined the damages done by the hurricane. Among the articles injured were a great number of form or styles (coiffures) for hair dressing; these he was told belonged to Mr. Griemard for the accounts of Mr. Carabas and Mrs. Dulive, both merchants of Cap Francais. At the same time Mr. Reaux presented a chest full of papers, books and old accounts which seem to concern various transactions by him in Cap Francais for his brother, a merchant of Bordeaux. There were some useless papers belonging to Poupart & Brother. All papers and styles were ruined beyond service. He likewise certifies the warehouse at Mr. Reaux's dwelling was unroofed and inundated by the hurricane and rain of the 24th. current.

Alexo Reaux asks permission to sell the damaged forms at public auction. Alcalde Panis consents and names September 20th at 9 o'clock in the morning as the time for the sale. There is spirited bidding on the damaged "coeffes," or "cueffres" which must be intended for the French "coiffure" (in Spanish "Modas para Peinados") ruined by the hurricane. Vincente Tangi bought six at 3 pesos and five at 2 pesos; Mr. Bore took six at 1½ pesos and five at 1 peso; Joseph Sanchez two at 7 reales; Mr. Catuar bought four hats at 9 reales, or 1 peso 1 real; Mr. Langlois took four hats both black and white at 1 peso 1 real, and Claudio Cofini bought five black hats at 1 peso 6 reales.

The petitioner states the sale of damaged goods which was held for the benefit of Mr. Griomard has been finished. He now asks to have the costs taxed. Petition granted, but the taxation is never made.

September 3.
**Criminal proceedings
 prosecuted by Andres
 Jung against Carlos
 Lorreins, called Tarascon
 for robbery.**

No. 3536. 11 pp.
 Court of Alcalde
 Guido Dufossat.
 No Assessor.
 Escribano, L. Mazange.

The defendant, a brother of plaintiff's deceased wife is accused of removing her money and effects out of her home while she was in a dying condition. The suit was settled amicably.

See further the proceedings below in the Succession of Mrs. Jung, Sept. 7th.

Andres Jung, husband of Mrs. Brasilier, represented by Rafael Perdomo, a public attorney, sets forth he brings civil and criminal action against Carlos Tarascon because he, without fear of God or respect for Royal Justice, entered his house the night before while his wife was gravely ill and the petitioner, at her request, had gone to find a Notary to draw up her will. Carlos Tarascon is his wife's brother and during his absence obtained her keys and took various things without her consent and he does not know now what has become of them. Without loss of time he began to investigate. When he questioned the thief he insulted him and threatened his life, thereupon he went to Alcalde Gudio Dufossat's house to relate what had

taken place. He was referred to Mr. Sanpier (St. Pierre) minister of Dufossat's Tribunal who accompanied him to his plantation, but when he got there every thing had been removed by Tarascon. He closed the house securely and left two slaves in charge of it. This is a crime that should be punished to satisfy public justice. He asks that witnesses be called to give testimony on what they know of the affair and should their evidence conform to what he has just stated, he prays for an order of arrest, and after Tarrascon has been imprisoned, his confession be taken and his property seized so he, the petitioner, may bring whatever action may be convenient to his rights. Dufossat rules: let the testimony be received that this party offers for this purpose and let the witnesses be summoned to his Tribunal who will be questioned by Mr. St. Pierre, Minister there, with Alcalde Dufossat's assistance.

The witnesses are, the mulatto Alexis, belonging to Pelagia Lorreins wife of Andres Jung, whose name also appears as Mrs. Brasilier because she was a widow when she married Jung. She was sister to the defendant Carlos Lorreins called Tarrascon, Francisco Baujard, Catalina belonging to Mr. Jung, a negro named "La Rencontre" belonging to Carlos Tarrascon, Pedro Pisani, Pedro Bellair called Roche. According to the testimony of these witnesses, Carlos Tarrascon, brother of Mrs. Jung, had been seen to go to her house and to take the keys from her skirt pocket and to open the doors of her armoire. He removed various things from it, among them several bags of money. When he had done this he called the negro, La Rencontre and turned the

money over to him and told him to take it to the pirogue he had left in front of the plantation (which seems to be on Bayou St. John). The negro made about four trips, carrying money each time. They do not know where the money is now, but Tarrascon crossed the Bayou and returned to his house. Just when he was leaving, upon being questioned by Mr. Jung, who came up, a dispute arose between them. Jung said to Tarrascon; "Why did you come to my house, in my absence, to rob me?" "Then he called to the sailors of the King and to the owner of the schooner, asking them to be witness as to how Tarrascon had insulted and injured him.

Dufossat rules to send these proceedings with all possible haste to his Assessor so he may advise him as to what legal decision he should make in the matter. A marginal note stipulates the parties have settled their dispute, for this reason the proceedings were returned without any decision.

Rafael Perdomo petitions, saying, Messers Jung and Tarrascon have settled their differences without having paid the costs. He asks to have these taxed. Petition granted and Luis Lioteau is appointed to tax same, which he does at 31 pesos 5½ reales.

A note inserted just before the taxation, states a certified copy of these proceedings was issued on request of Enrique Desprez in viture of a decree of Alcalde Guido Dufossat.

September 4.
**Salomon Mallines vs.
Agustin Belcant
de la Chaise.**
No. 3511. 4 pp.
Court of Alcalde
Jacinto Panis.
No Assessor.
Escribano, L. Mazange.

To collect a debt.

Plaintiff claims defendant owes him 891 pesos, 6 reales as a final payment on a plantation as shown in the instrument presented, drawn up before Francisco Seimars de Belile (not included in the record). He has already obtained a judgment in the matter and now prays for a writ of execution. Panis orders one issued. A marginal note stipulates the writ was issued. However it was never served. Salomon Mallines prays for the

return of the original instrument and a taxation of costs, these he agrees to pay promptly. Petition granted and Mallines receipts for the original obligation.

September 7.
**Succession of Pelagia
Lorreins, wife of
Andres Jung.**
No. 3508. 50 pp.
Court of Alcalde
Guido Dufossat.

Andres Juen (Jung) husband of Mrs. Brasilier, petitions, saying, according to law, he should administer the estate left by his wife, at the time of her death. He prays for the necessary decree to open her succession, to

Assessor, Postigo.
Escribano, L. Mazange.

probate the will and to collect the keys. Dufossat rules to let the petitioner proceed. This is followed by a petition reporting

that in accordance with the foregoing decree Leonardo Mazange went to Santiago Tarrascon's house where Pelagia Lorreins, wife of Andres Jung died, and requested the said Tarrascon to give him the keys. He answered that he had sent them to Juan Luis Allard by his negro Colas, the day before at 5 o'clock.

Succession formally opened.

After these preliminaries, Alcalde Guido Dufossat enters an order

reciting that he has been notified of the death of Pelagie Lorreins, wife of Andres Jung, which took place at the house of her brother, Santiago Lorreins, called Tarrascon. The deceased left absent heirs. That at the request of her husband, the escribano was ordered to go to the place where she had died so as to prevent any secreting of her property, to collect the keys after locking up everything and to put the possessions in security. And this done to proceed to take a formal inventory, that an account may be given to the interested parties thus permitting each one to enjoy what belongs to him. Then let the matter be submitted to the Court for such further decrees as may be suitable.

Certification to the death.

Escribano Leonardo Mazange, after an examination of the body,

declares Mrs. Jung dead. He then collects the keys. He asked Santiago Tarrascon to deliver them to him, who answered he had sent them to his son-in-law, Juan Luis Allard, living at the

deceased Mrs. Jung's plantation.

It may be that this plantation is now a part of the City Park of New Orleans.

The escribano went to the plantation where he gathered up the keys and put seals on all places that should be closed. Mazange then

went to Mrs. Jung's place in the country where the keys were collected and the necessary seals affixed to the locks.

The will.

The escribano at the request of the Court filed a certified copy of the

will, dated New Orleans, September 3, 1781. Pelagia Lorreins declares herein that she was born in Mobile and is the daughter of Santiago Lorreins, born in the city of Tarascon, Parish of St. Didier in the district of Avignon and of Maria Avril of the Province of Burgundy, both dead. That she is Widow of Juan Baptiste Brasilier by her first marriage and had no children by him and he brought nothing to the community. About two years and a half ago she contracted a second marriage with Andres Jung, who is her husband at the date of this will. There

This will was evidently made just before her death.
Ed. La. Qy.

are no children by this marriage either, nor is there any community property. Her estate consists of twenty four slaves and a small

plantation on Bayou St. John. She owes nothing, nor is anything due her, but should any active, or passive debts be proven let them be collected, or paid. She frees her slaves, Alexis, Luis, Opal, Catalina, Maria Luisa and the latter's child, Francisca. Her testamentary executor must give to each one of the freed slaves a cow and a calf. Her husband Andres Jung owes her 400 pesos, but she has no note to prove it. The money was lent two years before to buy a slave, Pedro, from Mrs. Duvernay. She has no community estate with Andres Jung, therefore he has no claim on her property. She leaves to Francisca Lorreins, wife of Mr. Allard, her clothes, jewelry, wrought silver and furniture, together with all that is found in her armoire, boxes and in her house on the Bayou. The remainder of her estate goes to her brother, Santiago Lorreins, called Tarrascon, who is named her sole and universal heir and she charges him to assist his brother, Carlos Lorreins in all things necessary in case he should lose his fortune. Carlos Lorreins is named her testamentary executor.

An agreement among the heirs.

The will is followed by a certified copy of an agreement entered into by Mrs. Jung's heirs. Santiago Tarrascon, Juan Luis Allard, husband of Francisca Lorreins, niece of the deceased, Carlos Tarrascon, testamentary executor, for one part and Andres Jung, second husband of the deceased for the other. They set forth that much discord has arisen among them, but they have finally come to an agreement to consider null and as cancelled, all proceedings begun in this Tribunal at the death of Pelagie Lorreins Jung. The heirs consent to pay costs, one half by Messrs C. & S. Tarrascon and Mrs. Allard and the other one half by Andres Jung. The interested parties present this agreement whereupon Dufossat rules: let the seals and embargo be raised which were placed upon Mrs. Jung's property and let the costs be taxed by Luis Liotaud, who must first qualify and let these costs be paid as agreed.

The slaves contest the agreement and ask for their freedom in accordance with the will.

This agreement brings a protest from the slaves who have been deprived of their freedom. Carlota is the first to take action, she petitions

saying because she was the one to report to Andres Jung that as soon as Mrs. Brasilier became unconscious, Mr. Tarrascon took the keys of the armoire and chest and left immediately for the Bayou with a cutlass under his arm and also that it was he who had removed the money which was locked up. He has taken revenge upon her and punished her frequently. She can not stand this bad treatment. She asks the Court to remove her from Tar-

rascon's power and to deliver her to Andres Jung. Dufossat rules: let Andres Jung hold Carlota in his possession until some other disposition is made of her by the Court. Carlos Tarrascon must be notified of this decree.

The other slaves protest.

Alexis, Catarina, Opel, Luis Francisca, Maria Luisa also Catarins, the Congo negress, slave of the late Mrs. Brasilier, say that in accordance with a clause in the will of their late owner, just as soon as her death took place the slaves named therein must be set free. For this purpose the testamentary executor and guardian of the estate, Carlos Tarrascon is charged to grant them their liberty, nevertheless he has continued to hold them and to make them work. When they asked him about their freedom he told them to work until after the harvest. They petition the Court to order the will of their mistress carried out. Dufossat decrees, considering the late Mrs. Brasilier, in clauses seven and eight of her will, stipulated just as soon as her death should take place, there must be drawn up, respectively, the acts of emancipation for the mulatto Alexis and the other slaves whose names appear in the above petition, let it be made known to Carlos Tarrascon, the testamentary executor, that within one day precisely, he must draw up the acts of emancipation, as solicited, before the present escribano, in whose office the will is recorded, giving each one of the slaves corresponding certified copy for his protection. Let Tarrascon be warned that if he does not execute the acts, the Court will proceed to have them made officially.

Another slave enters a petition.

Maria Luisa, also a slave, states in accordance with a clause in her late owner's will, she was given her freedom. She asks to have the Escribano put a certified copy of the will at the end of this petition and to deliver a copy of both to her. Dufossat rules; it has been provided in this hearing. A marginal note signed by Mazange states the acts of emancipation that were ordered have been issued.

Luis Lioteau is appointed to tax the costs of the case which amount to 31 pesos.

Carlos Tarrascon re-enters the case.

Carlos Tarrascon now presents a notarial act by which he appoints Rafael Perdomo as his attorney, who asks to have the records of the case turned over to him in the usual way. Petition granted. Perdomo acting for his client asks to make an inventory of Mrs. Jung's estate. This petition is also granted. There is a further request to appoint Adrien de la Place and Francisco Bijon appraisers. The Court rules accordingly. Both are notified and qualify. He then asks to have the day named for the inventory and appraisal. Alcalde Dufossat names October 3, ordering the interested parties cited to be present. Attorney Perdomo now sets forth in order to go to the

country to make the inventory the testamentary executor must supply them with the necessary horses and provisions. He asks to have him requested to do so promptly. Petition granted. There is another petition stating he has been ordered to produce his sister's property so an inventory may be made. Wishing to be accredited with punctual obedience in not holding back anything he must notify this Tribunal that Mr. Allard, one of the legatees, has taken from him all the property, including the money which was in the liquor cases, besides the papers relative to the active debts of the estate amounting to about 1200 pesos, he has further agreed to the sale of three slaves and the emancipation of another, yet he, the petitioner, is the testamentary executor in whose possession the estate should be held so as to fulfill the wishes of the testator under the decrees of this Tribunal. He therefore prays to have Mr. Allard and his father-in-law, Mr. Tarrascon, who now hold the estate ordered to deliver it to him so that an inventory may be made and the legacies given to the respective heirs and he relieved of all further responsibility. He asks to have the sheriff sent with him to Mrs. Jung's house in case any resistance should be offered to the delivery of the money, slaves, papers and all other property and to put Messrs Allard and Tarrascon in prison until all has been accomplished. Guido Dufossat rules: in his time he will render a decision.

Henrique Desprez enters
the suit.

Henrique Desprez persents a
a certified copy of a Notarial Act
by which he appoints Francisco

Broutin his attorney and in a petition avers it has come to his notice that Carlos Lorreins, called Tarrascon, has asked for an inventory and appraisement of the property left by Pelagia Lorreins, who was by her first marriage the wife of Juan Bautista Brazilier, the only brother of Magdalena Brazilier, who is the petitioner's wife. She has a right to be represented in this estate. He asks to be included, with his attorney, in the proceedings for the taking of the inventory and up to the conclusion of the suit. Petition granted.

Santiago Tarrascon enters
the suit.

Santiago Tarrascon, as univer-
sal heir, presents a petition to the
effect that at the request of his

brother the making of an inventory has been ordered. This proceeding is not necessary since there are no absent, nor minor heirs. He asks to have the order revoked and the testamentary executor condemned to perpetual silence as his demand is not in conformity to law. Alcalde Dufossat, on Postigo's advice rules: Petition denied for the taking of the inventory of the estate of Pelagia Lorreins Tarrascon as requested by her brother, Carlos Tarrascon, in as much as the universal heir and the legatee are not minors of an age incapable to administer their own property. The Court con-

demns Carlos Tarrascon to pay the costs for the instance brought by him because his claim is badly founded.

Carlos Tarrascon answers his brother.

Carlos Tarrascon answers, saying he has been notified of the decree suspending the one to make

an inventory, issued the third of the current month. This new ruling is prejudicial to him, therefore he asks to have it revoked, and the records of the case delivered to him. He further petitions, in order to make it evident that the sentence to revoke a sentence has in turn been revoked, let the Escribano be ordered to certify to the foresaid document, the Senior Alcalde sign it and then send it to the Auditor of War. Dufossat rules: send this petition to Postigo for his legal advice. A note from Mazange stipulates, these proceedings were returned by the cashier of the Auditor of War without any decision.

Carlos Tarrascon again petitions.

Tarrascon again petitions stating he offers no objection to omitting the formality of an inventory.

He asks to be relieved of all further responsibility of the guardianship of his late sister's estate and to have Luis Allard, one of the heirs, ordered to deliver to him 500 pesos which the deceased left him in a codicil to her will, as he is obliged to pay costs, as decreed by the Court, reserving to himself the right to take action against this decision whenever suitable to him. Dufossat on Postigo's advice rules: Notify Luis Allard to pay Carlos Tarrascon 500 pesos left him by Pelagia Lorreins, Widow Brasilier as it appears this amount has been left to him.

Carlos Tarrascon makes another petition.

Carlos Tarrascon makes still another petition asking for his 500 pesos from Luis Allard, which in

spite of the last decree has never been paid. Dufossat again decrees, let Luis Allard pay this amount within one day, with a warning if he does not, he will be made to do so by judicial compulsion.

Taxation of costs.

Rafael Perdomo, acting for Carlos Tarrascon, asks for a taxation of costs. Petition granted and Luis Liotaud, public tax assessor for costs, is notified, qualifies and taxes costs at 28 pesos 4 reales.

September 14.
Thomas Comins vs. Guillermo Strother asking to be given an account of the property of Valentin and Philippe Comins, brothers of the petitioner.

Plaintiff appoints Rafael Perdomo to act as his attorney, who then petitions in the name of his client, Thomas Comyns, a native of London and a resident of this city, saying that an estate was left by his brothers, Philippe and Valentine, at their death. He

No. 3476. 10 pp.
Court of Alcalde
Jacinto Panis.
Assessor, Postigo.
Escribano, L. Mazange.

prays to have Guillermo Strother, testamentary executor of Thomas Bocquer (Boker) ordered to exhibit the will left by him at his death, together with all of his papers, books of accounts and

Chests, now in the possession of the guardian of his estate, as Boker was in turn the guardian of the late Comyns Brothers property and let these papers, books, will etc. be delivered to him so he may promote what is convenient to his rights. Panis on Postigo's advice orders this petition sent to Mr. Strother.

The defendant fails to answer, and the plaintiff presents a second petition in which he asks to have Mr. Strother ordered to appoint an attorney to represent his interests so as to prosecute this suit to its conclusion. Panis rules accordingly.

William Strother finally answers, saying Thomas Boker was named by the two deceased Comyns Brothers as their testamentary executor and Boker in turn named him, Strother, as his. He does not know enough to give the plaintiff the required information, or to turn over the books, papers etc. which are not in his possession. He suggests to Mr. Thomas Comyns to consult a brother of Thomas Boker who lives at the Post of Opelousas and who was with him when the estate of the deceased Messrs Comyns was delivered into his keeping. He asks that these proceedings be suspended until Mr. Boker's brother may be brought to the city and that a despatch be issued to the Commander of the Post of Opelousas, where he lives summoning him to present himself in this city to answer the suit brought by Thomas Comyns. Panis rules accordingly.

The plaintiff states, that Mr. Strother in his last petition has asked to have these proceedings suspended until Mr. Boker could be summoned to the city. He is here now, and plaintiff asks that he be ordered to comply with the decision previously rendered by the Court. This petition is sent to the opposition. The record ends here.

September 20.
Juan Firby petitions to have a procuration translated and substitution made.

No. 3492. 4 pp.
Court of Alcalde
Jacinto Panis.
No Assessor.
Escribano, L. Mazange.

Petitioner presents a power of attorney written in English, dated Pensacola, September 1, 1781, by which William Marshall appoints John Firby his agent in New Orleans to collect from Oliver Pollock a protested bill drawn by Benjamin Barbee, besides other debts due the constituent. He asks that this document be translated into Spanish

by Juan Duforest and Rafael Perdomo be substituted to act in his place. Jacinto Panis rules accordingly. Duforest makes the translation. This ends the record.

September 22.

**Luis Toutant Beauregard
vs. Carlos Latour.**

No. 3473. 5 pp.

Court of Alcalde

Jacinto Panis.

Assessor, Postigo.

Escribano, L. Mazange.

Plaintiff seeks execution on
a bond for debt.

sued. Nicolas Fromentin, Deputy Sheriff serves the writ and reports to the Escribano that he went to Carlos Latour's plantation to carry the writ into execution. The defendant exhibited to him the 2176 pesos, and he sets this down as a matter of record, with the remark that the plantation is situated seven leagues away from the city. The end.

September 26.

**Bernardo and Santiago
Texier vs. Santiago
Clamorgan.**

No. 3532. 9 pp.

Court of Alcalde

Jacinto Panis.

No Assessor.

Escribano, L. Mazange.

To collect a bill of exchange
and enforce a judgment thereon
rendered in plaintiff's favor by
the French Court in Martinique.

Beauregard presents a certified copy of a bond, dated June 28, 1780, by which Carlos La Tour and his surety, Julian Lesassier obligate themselves to pay to Magdalena Cartier, widow of Santiago Beauregard, 2176 pesos for slaves bought at the sale of the effects of the Santiago Beauregard estate, and asks for a writ of execution. Panis, on Postigo's advice orders the writ is-

Francisco Broutin acting as agent for Messrs Texier, Merchants of San Eustaquio, presents four exhibits praying that they be translated from French into Spanish. As Mr. Clamorgan is preparing to leave the Colony he further prays that he be detained and not permitted to do so until this suit is concluded.

The exhibits are a power of attorney dated Island of St. Eustache, March 21, 1778, by which Bernard and Jacques Texier appoint Le Melle as their agent in

New Orleans to collect a bill of exchange amounting to 5181 livres 15 sols (627 pesos 7 reales) due them by Jacques du Clamorgan, drawn to the order of Jean Sargenton which Mr. Clamorgan accepted and agreed to pay within one month. A letter is attached dated St. Eustache, March 21, 1778 from Messrs Texier to Mr. Lemelle of St. Pierre de Martinique relative to the bill of exchange he is authorized to collect in New Orleans. There is also a copy of a letter dated St. Pierre, December 22, 1777, from Jacques du Clamorgan to Messrs Texier, concerning the obligation due. An authentication of the letter is attached signed by Alexander Le Jeune. There is also attached a certified copy of the bill of exchange and of the legal proceedings had in St. Pierre de Martinique to collect same. The bill is dated St. Eustache, December 9, 1777, to the order of Mr. Sargenton, accepted December 23, 1777, to be paid January 25, 1778 at St. Pierre. Judgment was rendered in Martinique in favor of the plaintiffs.

The suit ends with Broutin's petition and a ruling by Alcalde Panis that the foregoing documents be translated into Spanish by Pedro Bertoniere, and that Mr. Clamorgan be enjoined from leaving the city until this suit is finished. Pedro Bertoniere is notified and qualifies. Nothing further is done.

September 27.
**Maria Juana Lerable vs.
Philiberto Lafarge, or
Farges.**

No. 3503. 9 pp.
Court of Alcalde
Guido Dufossat.
No Assessor.
Escribano, L. Mazange.

A tenant claiming preference
for the rental of a house is
denied the right and is ordered
to vacate the same.

Maria Juana Lerable, Widow
Lecont (Le compt) petitions the
acting Governor, (name not
given) stating that for two years
she has lived in a house without
ever falling in arrears with her
rent, on the contrary she has al-
ways paid punctually. Now the
owner has sold the property to
Mr. Lafarge who has rented it
to another party. She asks that
he be ordered to receive her rent
money and to leave her in peace
in the house. Alcalde Dufossat
receives this petition and orders

it sent to the defendant.

Juan Latime, empowered by Philiberto Farge (Lafarge) presents two certified copies of Notarial Acts, namely a procura-
tion, dated July 22, 1781, wherein Philiberto Farge appoints
Juan Monget, called Latime, his agent, and a lease of August 22,
1781, by which Philiberto Farges rents to Santiago Lafond, for one
year, his house on the corner of Royal and Conti Streets, adjoined
on one side by Mr. Luis Lioteau and on the other by a negress
named Rosa. Latime answers stating that plaintiff claims to
have the privilege of keeping the house belonging to his client in
preference to Santiago Lafond, to whom Mr. Farges has rented
it for one year as appears from the copy of the lease. He prays
Mrs. Lecompte be ordered to vacate the house in a short space
of time and that she be condemned to pay the cost of these pro-
ceedings.

Alcalde Dufossat rules; whereas Philiberto Farche (La-
farge) has rented his house, to Santiago Lafond, in which Mari-
ana Lerable. Widow Lecompt now lives let her be notified she
must vacate it within two days, with a warning if she does not
do so she will be evicted. She must also be notified that she is
condemned to pay costs. The record ends here.

September 28.
**Useful evidence produced
for Cecilia Lavasseur,
Widow Piseros for the
exchange of her
plantation.**

Cecilia Lavasseur, widow of Juan
Piseros states it would be of
benefit to her children, as well
as to herself, to exchange her
plantation with Estevan Bore
who will pay her 3200 pesos

No. 3499. 6 pp.

Court of Alcalde

Jacinto Panis.

No Assessor.

Escribano, L. Mazange.

cash besides his plantation. She asks that the Escribano be ordered to draw up the necessary act of exchange. She further requests to call witnesses who will give their testimony as to

whether or not this transaction is for the best interest of her children. Alcalde Panis orders this petition sent to the curator of the minor children.

Salomon Mallines, Philippe Guinault and Simon Chevray in separate declarations, testify that it will be of great benefit to all concerned to exchange the Pisero place for the Bore plantation with the addition of 3200 pesos in cash over and above. That repairs are needed to the place of Mrs. Piseros which she is unable to make unless she sells, or leases out her slaves, which would be very prejudicial to the widow and her minor children.

Francisco Broutin, curator of the Piseros minors, states that having seen the written testimony given by the three witnesses he consents to the exchange of plantations as requested by Mrs. Piseros, and asks that the Escribano be ordered to prepare the written instrument to this effect. Alcalde Panis approves the transaction and for its greater validity and force interposes and does interpose his authority and judicial decree. He gives the power in law necessary for the execution of the written act of exchange. The proceeding ends here.

October 1.

Proceedings brought by Enrique Desprez to make a copy of a letter.

No. 3488. 6 pp.

Court of Alcalde

Jacinto Panis.

No Assessor.

Escribano, L. Mazange.

This proceeding is a familiar one in the Spanish Louisiana courts. The purpose is to preserve an authentic copy of a document and to establish at the same time the genuineness of the signature.

Enrique des Prez, Lieutenant of Infantry and Captain of Grenadiers of the Militia of this place asks, for ends convenient to him, that the Escribano be ordered to make a literal copy of a letter which he presents, dated 29th September last, signed J. del Postigo, directed to Mr. Allard(d), and to have a comparison of signatures made and the Escribano to certify as to the hand writing of the letter and this done that the original be returned to him. Panis rules accordingly, the petitioner must pay all just costs.

The copy of the letter (in French) shows that it is addressed to Mr. Allard, dated New Orleans, September 29, 1781, signed J. del Postigo. In substance it recites that the day before Mr. Dufossat went to his house to tell him his uncle, Carlos Tarascon, testamentary executor of Mrs. Brasilliero, had pre-

sented a request to make an inventory, but it would not be made without the writer's advice, or consent. He suggests Mr. Allard call his attorney and tell him to petition the Tribunal for permission to appeal the case to Havana and that he will protest there to all the prejudices that might result if an inventory was made. Postigo will write to Havana for the same purpose. He must not let this matter disturb him because it is a mere trifle, etc.

The comparison of signatures is made by Leonardo Mazinge, who certifies the signature at the end of the letter is Postigo's and that the letter itself seems to have been written by one called Birot who is Postigo's secretary.

Desprez presents an interrogatorio of three questions which he asks to have answered by Juan Ventura Morales, Enrique Ataidés, and Rafael Perdomo. The last named is the only one to answer. The questions are:

1. Q. Have they held, seen, or read the original letter signed by J. del Postigo?
 - A. Yes he has seen and held in his hands, the letter mentioned, because it was shown to him. It seems to be from the Auditor.
2. Q. Let them declare if the writing of the said letter is not in the script of one named Birot, who is the Auditor's secretary?
 - A. Yes the question is true in its contents.
3. Q. Is the signature placed at the end of the letter that J. del Postigo?
 - A. He refers to his answer to the first question.

Enrique Desprez then petitions setting forth that the letter, signed by Postigo directed to Mr. Allard advising him to oppose the making of the inventory of his aunt's property, said to have been written by the former's secretary, Birot was actually written by Esteban de Quinones. It is convenient to his right that the said Quinones be summoned to swear and declare if the said letter, a copy of which is filed with these proceedings, was not written by him, and if it really conforms to its original, and if the signature is Postigo's. Panis orders Quinones to swear and declare as petitioned and done deliver his declaration to Enrique Desprez. This ends the record.

(To be continued)

NOTICE: The editor regrets that his paper in the October, 1933 Quarterly, on A Lawsuit Over the Right to Sell the Office of Notary in Louisiana During the French Regime (1763), has substituted the date 1769 for the actual date of the transaction, which was May, 1763. The first paragraph of the paper is irrelevant to the subject matter and wherever the date 1769 appears throughout the paper or the document, it should be changed to 1763. The error occurred while the editor was off duty and by some mischance a first rough draft of his paper was sent to the printer instead of the finished product which was correct as to dates.—Ed. La. Hist. Qy.

